

04.12.2020
SL No. 95
Avijit
allowed

**CRM 9747 of 2020
(via video conference)**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Rajganj P.S. Case No.180 of 2020 dated 13.10.2020 under Sections 376(1)/506 of the Indian Penal Code.

In the matter of : Rakesh Malakar @ Prakash Malakar

.....Petitioner.

Ms. Madhushri Dutta

...for the Petitioner.

Mr. Saibal Bapuli,

...for the State.

It is submitted on behalf of the petitioner that there is love-affair between the petitioner and the victim lady. It is further submitted that there is a delay in lodging the F.I.R. and he has been falsely implicated in the instant case.

Learned lawyer for the State submits that the victim was forcibly raped.

We have considered submission made on behalf of the petitioner that there is delay in lodging F.I.R. It appears that the petitioner was a private tutor of the minor daughter of the victim. With regard to delay in lodging F.I.R. there is no contemporaneous complaint with regard to threats held out at the victim. Hence, we are of the opinion that custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section

438(2) of the Code of Criminal Procedure and on further condition that the petitioner while on bail shall not enter the jurisdiction of Rajganj Police Station until further orders except for the purposes of investigation and/or for attending the court proceedings and shall provide the address where the petitioner shall presently reside to the investigating agency as well as the court below and shall report to the officer-in-charge of the concerned police station within whose jurisdiction the petitioner shall presently reside once in a week until further orders.

The application for anticipatory bail is, thus, allowed.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)