

12.02.2020

Sl. No.48

akd

[ALLOWED]

C. R. M. 1515 of 2020

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 10.02.2020 in connection with Bhaktinagar Police Station Case No. 925 of 2019 dated 29.11.2019 under Sections 376/506 of the Indian Penal Code. (G.R. Case No.5029 of 2019)

And

In Re: ***Jogesh Shil***

... .. Petitioner

Mr. Pronojit Roy .. Advocate

... .. for the petitioner

Mr. Rana Mukherjee .. Advocate

Mr. R. Jana .. Advocate

... .. for the State

Heard the learned advocate appearing for both the parties.

It is submitted on behalf of the petitioner that there is inordinate delay in lodging the FIR.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner was a medical practitioner and had violated his patient i.e. the victim.

Having considered the materials on record and bearing in mind the nature of allegations in the light of the submission that there is inordinate delay in lodging FIR, we are of the opinion whether the victim was subjected to forcible sexual intercourse may be adjudicated at the appropriate stage of the proceeding. However, in the facts and circumstances of the case, custodial interrogation of the accused/petitioner is not necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely **Jogesh Shil**, 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, 1973 and on further condition that he shall meet the Investigating Officer once in a week until further orders. Petitioner shall appear before the Investigating Officer and hand over his passport, if any, within a fortnight from date. In the event he does not have a passport, he shall personally appear before the Investigating Officer and furnish an affidavit to that effect within the time frame mentioned hereinabove.

The application for anticipatory bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)