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25.08.2020
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**CRM 5591 of 2020
(Via Video Conference)**

In re : An application under Section 438 of the Code of Criminal Procedure in connection with Jalpaiguri Sadar Women P.S. Case No. 70 of 2020 dated 09.07.2020 under Section 376 of the Indian Penal Code.

In the matter of : **Mithu Das**

..... petitioner

Mr. Hillol Saha Podder

.....for the petitioner

Mr. Tapan Bhattacharya
Mr. Sagnik Sankar Sikdar

..... for the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims that the petitioner is a prominent functionary of a political party and the complainant is a rival in the same political party aspiring for power. The petitioner says that a belated complaint was lodged 16 months after the alleged incident.

The State relies on the complainant's assertion that the complaint may have been dragged at the relevant point of time and not aware of what she suffered.

The State says it was only upon the complainant being told by her associates as to what may have happened that the complainant lodged the complaint.

Considering the circumstances, there does not appear to be any need to take the petitioner into custody at this stage as long as the petitioner reports to the investigating officer as and when required.

Subject to the above, the petitioner will be enlarged on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of arresting officer. The petitioner will also comply with the conditions laid down in Section 438(2) of the Code.

CRM 5591 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)