

01.09.2021
Item no.24
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 1387 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 03.02.2021 in connection with Berhampore Police Station Case No. 322 of 2020 dated 02.04.2020 under Sections 341/354/427/506/34 of the Indian Penal Code.

And

In the matter of : Soumen Chowdhury & Anr.

.....Petitioners.

Mr. Shibasis Chatterjee, Advocate,
.....for the Petitioners.

Mr. Rudradipto Nandy, Advocate,
.....for the State.

This application for anticipatory bail is not pressed on behalf of the petitioner no.1 as he has already been taken into custody.

The application is dismissed as regards the petitioner no.1 namely Soumen Chowdhury.

The petitioner no.2 says that he has been falsely implicated. He has no involvement in the alleged offence.

We have seen the statement of the victim girl who is stated to have been fifteen years of age at the time of the incident. In her statement she does not name the petitioner

no.2. We have also seen the other material in the case diary. Prima facie, the participation of the petitioner no.2 in the alleged offence is not clear. Charge-sheet has been submitted.

On an overall assessment of the facts and circumstances of the case, we are of the view that immediate custodial interrogation of the petitioner no.2 is not necessary so long as he co-operates with further investigation, if any.

Accordingly, in the event of arrest, the petitioner no. 2 namely Kanu Chowdhury shall be released 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 the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 1387 of 2021 is, thus, allowed.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)

