

CRM 2341 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Barrackpore Women Police Station Case No. 2 of 2021 dated 09.01.2021 under Sections 376/354/509 of the Indian Penal Code.

- A n d -

In the matter of : Rabindra Nath Kolay.

.... Petitioner.

Mr. Debasis Kar
Mr. Husen Mustafi
Mr. Subhajit Chowdhury

... For the Petitioner.

Mr. Binay Panda
Ms. Puspita Saha
Mr. Subham Bhakat

... For the State.

The allegations are under Sections 376/354/509 of the Indian Penal Code.

Learned advocate for the petitioner submits that the petitioner is 65 years old and the complainant/victim is a 55 years old lady. There is a love affair between them. By reason of some dispute, the petitioner has been falsely implicated by the victim.

We have seen the material in the Case Diary including the statements recorded under Sections 161/164 of the Code.

Having considered the material on record and the facts and circumstances of the case and given the nature and gravity of the allegations, we are of the view that immediate custodial interrogation of the petitioner may not be necessary, so long as the petitioner cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/-, with two sureties of like amount, 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.

The application for anticipatory bail being CRM 2341 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)