

CRM 2391 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Netaji Nagar Police Station** Case No. **83 of 2020** under Section **506** of the Indian Penal Code and Sections 6/10 of the POCSO Act.

- A n d -

In the matter of : Saikat Dutta

.... Petitioner.

Mr. S. Basu, Sr. Adv.
Mr. S. Chatterjee,
Mr. B. Sarkar,
Mr. S. Lahiri,

... For the Petitioner.

Mr. R. Nandi,

... For the State.

The allegation against the petitioner is of making sexual advances to his niece (elder brother's daughter) and touching her inappropriately. Basically, the allegation is of sexual abuse.

The petitioner says that the complaint is patently false. The complaint was prompted by the fact that the petitioner's father gifted his three-storied building to the petitioner. This irked the petitioner's elder brother and his wife and they engineered this false complaint through their daughter who was at the relevant time about 17 years old.

We have seen the material in the case diary including the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. We have also seen the statement of the attendant who used to take care of the father of the petitioner, who is the father-in-law of the defacto complainant. It is also noted that the complaint was filed about a month after the alleged incident and there is no explanation for this delay.

On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged offence, although charge sheet is yet to be submitted, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely, **Saikat Dutta** 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 the event the petitioner fails to adhere to any of the conditions stipulated in Section 438 (2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2391 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.

(**Bivas Pattanayak, J.**)

(**Arijit Banerjee, J.**)