

01.10.2021
Item no.27.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2871 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Khardaha Police Station Case No.68 of 2021 Dated 29.01.2021 under Sections 376/417 of the Indian Penal Code

And

**In the matter of : Sri Somu Patra
@ Samu Patra @ Sanu Patra**

.....Petitioner.

Mr. Dipanjan Chatterjee,
Mr. Asit Nayekfor the Petitioner.

Mr. S. S. Imam,
Mr. Arabinda Mannafor the State.

The petitioner, about 26 years old, says that he developed a relationship with the complainant/victim, about 30 years old, who is a widow. After sometime, the widow insisted on getting married to the petitioner. The petitioner disagreed and started avoiding the victim. Thereafter, two friends of the petitioner called the victim over telephone and said that the petitioner died in an accident. The victim made enquiry and found that the petitioner is very much alive.

The petitioner says that being annoyed, this false complaint has been lodged.

We have seen the material in the case diary including the statement of the victim. It prima facie appears that there was relationship between two parties, who are both majors. The victim refused to undergo medical examination.

On an overall assessment of the facts and circumstances of the case and the material on record, although charge sheet is yet to be submitted, we are of the view that immediate custodial interrogation of the petitioner is not necessary so long as he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely Somu Patra @ Samu Patra @ Sanu Patra 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 C.R.M. No.2871 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.)

