

28.05.2021
Item no.83
Court No.28
Avijit Mitra

C.R.M. 2888 of 2021 (through video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : Sanjoy Kundu

.... petitioner

Mr. Shibaji Kumar Das

....for the petitioner

Mr. Saibal Bapuli,

Ms. Faria Hossain,

Mr. Aniket Mitra

..... for the State

Apprehending arrest in connection with Bhatpara Police Station Case No.75 of 2020 dated 09.02.2020 under Sections 376/120(B) of the Indian Penal Code, the present application has been filed.

Mr. Das, learned advocate appearing for the petitioner submits that the petitioner is the brother-in-law of the principal accused and he has been falsely implicated in the alleged incident. The ingredients of Section 376 of the Indian Penal Code do not stand satisfied in respect of the petitioner. The principal accused, namely, Arindam Halsal, was arrested and he had been thereafter enlarged on bail. Upon completion of investigation chargesheet has also been filed and as such custodial interrogation of the petitioner is not warranted.

Mr. Bapuli, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the cause title.

Having heard the learned advocates and considering the materials in the case diary including the statement of the victim girl, as recorded under Section 164 of the Code and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the present case, more so when upon completion of investigation, chargesheet has also been submitted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sanjoy Kundu**, shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

Accordingly, the application for anticipatory bail being CRM No.2888 of 2021, is disposed of.

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

(Shampa Sarkar, J.)

(Tapabrata Chakraborty, J.)