

22.09.2021
Item no.58
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 2996 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 25.03.2021 in connection with Berhampore Police Station Case No. 35 of 2020 dated 08.01.2020 under Sections 417/354/354A/354C/354D/376/506/509 of the Indian Penal Code.

And

In the matter of : Sanju Saha.

.....Petitioner.

Mr. Arnab Saha, Advocate,

.....for the Petitioner.

Mr. S.G. Mukherjee, Ld. P.P.,
Ms. Faria Hossain, Advocate,
Ms. Sonali Das, Advocate,

.....for the State.

The allegation is that the petitioner violated the complainant. At the time of the incident, the complainant was less than eighteen years old. However, at the time of recording her statement under Section 164 of the Code of Criminal Procedure, the complainant stated her age to be nineteen years.

The further allegation is that the petitioner took indecent photographs of the complainant on his mobile phone and threatened to use the same in the social media.

We have seen the material in the case diary. Charge-sheet has been submitted. In view of the nature of material available in the case diary and the possible extent of complicity of the petitioner in the alleged offence, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he co-operates with further investigation, if any. We also note that the victim refused to undergo medical examination.

Accordingly, in the event of arrest, the petitioner namely **Sanju Saha** 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. The further condition that we impose on the petitioner is that in case he has any indecent material in his possession concerning the victim girl, he shall not use the same in any manner whatsoever.

In case the petitioner fails to adhere to any of the conditions mentioned above or 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 2996 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.)