

11. 17.09.2021

Ct.32

Tanmoy

Allowed

C.R.M. 3052 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **26/03/2021** in connection with **Dum Dum Police Station Case No. 50/21** dated **14/01/2021** under Sections **376/417** of the Indian Penal Code.

And

In the matter of: - **Saikat Bagchi @ Toto**

...petitioner.

Mr. Sekhar Kumar Basu, Ld. Sr. Adv.,
Mr. Antarikhya Basu,
Mr. Sayan Mukherjee,
Ms. Madhumita Basak

...for the petitioner.

Mr. Debasis Kar,
Mr. Subhajit Chowdhury

...for the *de facto* complainant.

Mr. Rudradipta Nandy

...for the State.

The allegation against the petitioner is under Sections 376/417 of the Indian Penal Code.

The complainant alleges that the petitioner, a married man, played confidence trick and earned the trust of the complainant. The complainant also is a married woman. Both the petitioner and the complainant were having problems in their respective marriages. A relationship built up between the petitioner and the complainant. The complainant alleges that on a particular day she was feeling unwell. At that time the petitioner went to her house and gave her some medicine. After taking such medicine she fell unconscious and she was then sexually violated by the petitioner.

The complaint was lodged five months after the aforesaid incident.

The complainant also alleges that at various points of time diverse sums of money were extracted by the petitioner from the complainant.

We have seen the material in the Case Diary. The material *prima facie* indicates that there was a relationship between the petitioner and the complainant. The complainant is 45 years old and the petitioner is 43 years old. Not only they both are majors, they are deemed to have some experience in life by dint of their respective ages.

On an overall consideration of the material on record and the facts and circumstances of the case, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he co-operates with the Investigation.

Accordingly, in the event of arrest, the petitioner, *viz.*, **Saikat Bagchi @ Toto** 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.

And on further condition that the petitioner shall report to the Investigating Officer once every week until further orders. The petitioner shall not enter the jurisdiction of the Dum Dum Police Station until further orders. The petitioner shall intimate to the Investigating Officer the address where he will be residing.

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 being C.R.M. 3052 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)