

30. 04.10.2021

Ct.32

Tanmoy

Allowed

C.R.M. 3338 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **12/04/2021** in connection with **Goalpokher Police Station Case No. 375 of 2020** dated **13/12/2020** under Sections **341/323/376/493/34** of the Indian Penal Code.

And

In the matter of: - **Uttam Kumar Choudhury**

...petitioner.

Ms. Juin Dutta Chakraborty

...for the petitioner.

Mr. Imran Ali,

Mr. M.F. Ahmed Begg

...for the State.

The allegation against the petitioner is of having raped the victim and having caused serious injury to the victim.

The petitioner says that he and the victim got married. The allegations made against him are false.

We have seen the victim's statement recorded under Section 164 of the Code of Criminal Procedure. She also talks of the marriage between her and the petitioner in a temple. The medical report does not reveal any significant injury.

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

Accordingly, in the event of arrest, the petitioner, *viz.*, **Uttam Kumar Choudhury** 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 meet the Investigating Officer once in every fortnight 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. 3338 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.)