

CRM 3470 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Islampur Police Station Case No.59 of 2021 dated 30-01-2021 under Sections 417/376 of the Indian Penal Code.

- A n d -

In the matter of : Dhananjay Pandey @ Dhananjaya
.... Petitioner.

Mr. Om Prakash Dubey,
Mr. Sailesh Kumar Gupta,
Ms. Mita Banerjee

... For the Petitioner.

Ms. Sukanya Bhattacharyya,
Mr. Md. Kutub Uddin

... For the State.

The petitioner, about 36 years old, is a bank employee. He says that he has been falsely implicated. The complainant is in the habit of filing false complaints. In this connection, he has referred to an earlier complaint filed by the complainant against another person.

The allegation is that on the evening of Dipabali in 2020, the petitioner entered the complainant's house in Islampur, Uttar Dinajpur and raped her. Thereafter, he promised to marry the complainant. But, he went back on such promise. Accordingly, after about three months, the complaint was lodged.

We have seen the material in the Case Diary including the statements of witnesses and the injury report. *Prima facie*, there is doubt as regards the complicity of the petitioner in the alleged offence. The petitioner has taken a plea of alibi. He says that on the concerned evening, he was in Calcutta celebrating Dipabali with his family.

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 cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely, **Dhananjay Pandey @ Dhananjaya**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer. The petitioner shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure and shall meet the Investigation Officer once in every fortnight till completion of the investigation.

In the event the petitioner fails to adhere to any of the conditions stipulated above, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 3470 of 2021 is, thus, **allowed**.

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

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**