

CRM 3482 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kaliganj Police Station Case No.43 of 2017 dated 13-02-2017 under Sections 448/376/511/325/120B of the Indian Penal Code.

- A n d -

In the matter of : Sukumar Das @ Sukumar Mondal

.... Petitioner.

Mr. Atis Kumar Biswas,
Mr. Amit Singh

... For the Petitioner.

Ms. Sukanya Bhattacharyya,
Mr. Md. Kutub Uddin

... For the State.

The petitioner says that he has been falsely implicated in the alleged offence. He says that he resides in Jaipur. On the day of the incident, he happened to be near the place of occurrence. The main accused is a friend of the petitioner who has been granted bail by the learned trial Court. Another co-accused person has been granted anticipatory bail by this Court on April 11, 2017 in CRM 2745 of 2017.

We have seen the material in the Case Diary including the statement of the victim lady who is a 32 years old widow. *Prima facie*, there is no direct implication of this petitioner in the alleged offence. The victim lady also refused to undergo medical examination. Charge Sheet has been submitted.

In view of the aforesaid and on an overall assessment of the facts and circumstances of the case and the material on record, we are of the view that the petitioner's prayer for anticipatory bail may be allowed.

Accordingly, in the event of arrest, the petitioner, namely, **Sukumar Das @ Sukumar Mondal**, 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.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, 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 3482 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.)**