

22.09.2021  
Item no.16.  
Court No.32.  
AB  
**(Allowed)**

**(Via Video Conference)**

**CRM No. 3515 of 2021**

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 21.04.2021 in connection with Ratua Police Station Case No.99 of 2021 Dated 07.03.2021 under Sections 448/323/376/511/34 of the Indian Penal Code

And

**In the matter of : Tajibur @ Tojibur Rahaman**

.....Petitioner.

Mr. Rizu Ghosal,  
Mr. M. Chatterjee,  
Md. G. N. Imrohi,  
Mr. S. Bhattacharya,  
Mr. D. Majumdar                      .....for the Petitioner.

Mr. Bidyut Kr. Ray,  
Ms. Ratna Ghosh                      .....for the State.

The petitioner says that the present complaint is a counter-blast. The petitioner's father had lodged a complaint on February 25, 2021 alleging that the present complainant's extended family members assaulted the present petitioner and his family members. The present complaint was filed on March 7, 2021 complaining of an alleged incident of sexual assault on the complainant by the present petitioner on February 24, 2021. Learned Advocate says that there is no explanation of the ten

days' delay in filing the complaint. In any event, the complaint is out and out false.

We have seen the statement of the present complainant recorded under Section 164 of the Code of Criminal Procedure. The complainant refused to undergo medical examination. We have also seen the injury report issued by the concerned hospital. Nothing significant comes out of the same.

On an overall assessment of the facts and circumstances of the case and the material on record and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that although charge sheet is yet to be submitted, immediate custodial interrogation of the petitioner is not necessary so long as he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely Tajibur @ Tojibur Rahaman 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 and on further conditions that the petitioner shall meet the Investigating Officer once every fortnight and as and when called for till investigation is over.

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. No.3515 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.)**