

08.10.2021
Item no.46
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 3696 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 30.04.2021 in connection with Samsherganj Police Station Case No. 13 of 2021 dated 08.01.2021 under Section 376 of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act.

And

In the matter of : Subhankar Das.

.....Petitioner.

Mrs. Jeenia Rudra, Advocate,
Ms. Sahili Day, Advocfate,

.....for the Petitioner.

Mr. Narayan Prasad Agarwala, Advocate,
Ms. Subhasree Patel, Advocate,

.....for the State.

It appears from the material in the case diary including the statement of the victim girl that she was prevailed upon to file a false complaint against this petitioner. Prima facie, there is no incriminating material against this petitioner in the case diary.

In view of the aforesaid, we are inclined to allow the petitioner's prayer for anticipatory bail subject to the petitioner co-operating with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner namely **Subhankar Das** 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 condition that the petitioner shall report to the Investigating Officer once in a fortnight until completion of investigation.

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 CRM 3696 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.)