

22.09.2021  
Item no.20.  
Court No.32.  
AB  
**(Allowed)**

**(Via Video Conference)**

**CRM No. 5102 of 2021**

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 2.8.2021 in connection with Dum Dum Police Station Case No.131 of 2021 Dated 02.02.2021 under Section 376 of the Indian Penal Code

And

**In the matter of : Saikat Bagchi**

.....Petitioner.

Mr. Sekhar Basu, Sr. Adv,  
Mr. Antarikhya Basu,  
Mr. Sayan Mukherjee,  
Ms. Madhumita Basak .....for the Petitioner.

Mr. Sandip Chakraborty.....for the State.

The petitioner says that he has been framed in this matter. The petitioner came to know about the victim lady, 37 years old, through Face book. They became friends.

The allegation is that the petitioner went to the victim's house on August 25, 2019. They both had some soft drinks. Apparently, the victim felt tipsy upon consuming such drinks and thereafter she was ravished by the petitioner.

We find from the material on record that the first information report was lodged about 1 and ½ years later on February 2, 2021. No explanation for such inordinate delay in filing the complaint is forthcoming. The statement of the victim

lady recorded under Section 164 of the Code of Criminal Procedure is also not sufficiently clear. The victim refused to undergo medical examination.

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, although charge sheet is yet to be submitted, we are of the view that 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 Saikat Bagchi 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 not enter the jurisdiction of Dum Dum Police Station until further orders. He shall furnish the present address to the Investigating Officer within the jurisdiction of which he will reside and shall report to the Investigating Officer once every week 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. No.5102 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.)**