

CRM 5276 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Chinsurah Police Station Case No.277 of 2021 dated 04-07-2021 under Sections 354/354A/509 and 376 of the Indian Penal Code.

- A n d -

In the matter of : (Dr) Apurba Kumar Chakrabarti @
Apurba Chakrabarti
.... Petitioner.

Mr. Sabyasachi Banerjee,
Mr. Ayan Bhattacharyya,
Mr. Nirmalya Chatterjee

... For the Petitioner.

Mr. Sandip Chakraborty

... For the State.

The petitioner says that he has been framed in this case. He is a doctor. He served as a government Medical Officer throughout his career and superannuated in January this year. He now runs his private clinic. He is a cardiologist. He has undergone total hip joint replacement and, therefore, cannot move without assistance. He has not done what the prosecution alleges.

The prosecution case is that the victim went to the petitioner's chamber for consulting him. On the first day, the petitioner touched her inappropriately. The victim went away. She returned to the petitioner with her father-in-law three days later. Again she offered herself to be examined by the petitioner. The allegation is that this time, the petitioner raped her.

We have seen the material in the Case Diary including the statement of the victim recorded under Section 164 of the Code. It is not in dispute that the complaint was

lodged three days after the alleged incident. Charge-sheet is yet to be filed.

We have considered the nature and gravity of the charge. The petitioner is 65 years old. He is in private practice. There is little chance of the petitioner fleeing. Considering the facts and circumstances of the case, we are of the opinion 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, (Dr) Apurba Kumar Chakrabarti @ Apurba Chakrabarti, 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 Investigating Officer once every fortnight until further orders.

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 5276 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.)