

CRM 5412 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dumdum Police Station** Case No. **629 of 2021** dated **09.06.2021** under Sections **323/341/354B/376/441/506/511/34** of the Indian Penal Code.

- A n d -

In the matter of : Subrata Roy

.... Petitioner.

Mr. A. Basu,
Mrs. Pritha B. Basu,
Ms. S. Seth,

... For the Petitioner.

Mr. P. K. Datta, Ld APP,
Mr. Santanu Deb Roy,

... For the State.

Mr. K. Bagchi,
Mr. D. Ghosh,

... for the defacto complainant.

The petitioner is the resident of a residential complex where there are 22 flats. The petitioner says that the father-in-law of the defacto complainant controls the financial aspects of the complex as a member of an unregistered society, which looks after the overall maintenance of the complex. The petitioner's family wanted certain statements of accounts from the complainant's father-in-law. Such statements were not furnished. The petitioner's brother has filed a FIR against the complainant's family and the present complaint is a counter blast. There is not an iota of truth in the instant complaint.

The allegation is of sexually assaulting the complainant and/or outraging her modesty.

We have seen the material in the case diary including the statement of the victim recorded under Section 164 of the Code of

Criminal Procedure. *Prima facie* it appears that the allegations in the statements are such as would cause definite injury to the victim. However, we are told that the victim has refused to undergo medical examination.

On an overall assessment of the material in the case diary and the facts and circumstances of the case as also the possible extent of complicity of the petitioner in the alleged offence, we are of the view that, although charge sheet is yet to be filed, 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, **Subrata Roy** 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 meet the Investigating Officer once in a fortnight till the investigation is over and shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure 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 5412 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.)**