

10.12.2021
Court No.32
Item No. 208
Krishnendu
Allowed (SM,J)

**C.R.M. 6272 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Palashipara Police Station Case No. 281 of 2021 dated 17.07.2021 under sections 376/511 of the Indian Penal Code ;

And

In re: **Sunil Das**

Petitioner

Mr. Priyankar Ganguly

For the Petitioner

Mr. Abhra Mukherjee

Mr. Dipankar Mahata

For the State

Apprehending arrest in connection with Palashipara Police Station Case No. 281 of 2021 dated 17.07.2021 under Sections 376/511 of the Indian Penal Code, the present petition under section 438 of Code of Criminal Procedure is filed praying for anticipatory bail.

Learned lawyer for the petitioner, Mr. Priyankar Ganguly submitted that the present allegation and complaint is result of mutual hostility between the parties and family disputes. He submitted that no incriminating elements are there and both allegations are false. Therefore, he prayed for anticipatory bail.

Per contra, the learned lawyer representing the State, Mr. Dipankar Mahata, submitted inviting our attention to the statement of the victim girl and the

statements of other witnesses and strongly opposed the grant of anticipatory bail.

We have heard rival submissions and perused the case diary. We have perused the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure as well as the statement of the mother of the victim contained in the written complaint and found contradictions therein. The victim also refused medical examination. It also appears that the present petitioner is the brother-in-law of the victim. On perusal of the case diary and considering the extent of incriminating materials, nature of offence and complicity of the petitioner, we are inclined to **allow** anticipatory bail.

Accordingly, the prayer for anticipatory bail is allowed and we direct that in the event of arrest the petitioner, **Sunil Das**, shall be released on bail on 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further direction that he shall meet with the investigating officer once in a week till investigation is complete.

It is further directed that the petitioner shall attend the learned court below on all the dates, as specified for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 6272 of 2021 , is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)