

08.10.2021
Item no.12
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 6468 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 27.09.2021 in connection with Noapara Police Station Case No. 305 of 2021 dated 09.03.2021 under Sections 376(D) of the Indian Penal Code.

And

In the matter of : Subrata Bhattacharya.

.....Petitioner.

Mr. Debasis kar, Advocate,
Mr. Subhajit Chowdhury, Advocate,
.....for the Petitioner.

Mr. Saswata Gopal Mukherjee, Ld. P.P.,
Ms. Faria Hossain, Advocate,
Mr. Aniket Mitra, Advocate,
.....for the State.

The petitioner says that he has absolutely no connection with the alleged incident. He only permitted the victim girl, 19 years old and her husband to use a room in his house for negotiating and try to resolve matrimonial disputes between them. When the victim and her husband was in that room in the petitioner's house, the three accused persons barged in and raped the victim. The police has obtained a search warrant for searching the petitioner's house and apparently the police officers are visiting his house regularly. He apprehends

that he may be arrested although he has no role to play in the alleged offence.

We have seen the victim's statements recorded under Section 164 of the Code of Criminal Procedure. She does not name this petitioner. She names the three accused persons. The petitioner is also not named in the FIR. In fact, the petitioner is not an accused person as yet. Investigation is going on.

On an overall assessment of the facts and circumstances of the case and the material on record, we are inclined to allow this application for anticipatory bail of the petitioner.

Accordingly, in the event of arrest, the petitioner namely **Subrata Bhattacharya** 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 6468 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.)