

10.11.2021
Serial no. 52
Aloke
Ct. No. 29

(Through Video Conference)

CRM 6714 of 2021

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 28.09.2021 in connection with Sankrail P.S. Case No. 1001 of 2021 dated 20.08.2021 under Sections 376(A)(B) of the Indian Penal Code read with Section 6 of the POCSO Act.

-And-

In the matter of: Shankar Hudati @ Sankar

... Petitioner

Mr. Sandipan Ganguly, Advocate
Mr. M. Chatterjee, Advocate
... .. For the Petitioner
Mr. Bidyut Kr. Ray, Advocate
Ms. Rita Datta, Advocate
... .. For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. The complaint is a counterblast of an eviction notice dated August 6, 2021 received by the de facto complainant on August 7, 2021. The first information report was lodged on August 20, 2021.

Learned Advocate appearing for the State draws the attention of the Court to the statement recorded under Section 164 of the Criminal Procedure Code of the victim girl. In response to the query of the Court she submits that the victim girl refused to undergo medical test.

Considering the materials in the case diary, statement recorded under Section 164 of the Criminal Procedure Code and the fact that there was an eviction notice issued by the petitioner on the husband of the de facto complainant and considering the fact that the victim girl refused to undergo medical test, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties

of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall report before the investigating officer once in a month.

The prayer for anticipatory bail is allowed.

CRM 6714 of 2021 is disposed of.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)