

Court No.
28
Item 126
ssi

16.12.
2021

C.R.M. 6734 of 2021

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Baruipur (Women) Police Station case no. 112 of 2020 dated 21.11.2020 under Sections 376/506 of the Indian Penal Code.

In Re: Goutam Ghosh.

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....petitioner

Mr. Somasish Chattopadhyay

Mr. Kunal Ganguly

....for the petitioner

Mr. S. S. Imam

Mr. S. Kundu

...for the State

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case. There was delay in lodging the First Information Report. Allegation of forcible rape is out and out false.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim lady. She states she was forcibly raped and thereafter, the petitioner promised to marry her. Victim is a major lady. There is delay in lodging the First Information Report. Allegation of forcible rape requires to be assessed in the light of the facts and

circumstances of the case during trial. However, in the factual matrix of the case, we are of the opinion that custodial interrogation may not be necessary and the petitioner may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, to the satisfaction of the Arresting Officer and also subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, 1973 and shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)