

09.11.2021.
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Ct. 28
Saswata
(Allowed).

C.R.M. 6868 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Nabadwip P.S case no. 434/2021 dated 25.09.2021 under Sections 420/376/323/307/354B/506/34 of the IPC.

In the matter of : Soma Sarkar & Ors.

... Petitioners.

Mr. Sourav Chatterjee
Mr. Pronojit Roy

...for the Petitioners

Mr. N.P. Agarwal

.....for the State.

It is submitted on behalf of the petitioners that the victim lady was lawfully married to petitioner no. 3 and the petitioners have been falsely implicated in the instant case due to matrimonial discord. The allegation with regard to sexual harassment by petitioner no. 4 is patently absurd and inherently improper.

Learned lawyer for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim lady.

In her statement the victim lady admitted that there was a registry marriage between petitioner no. 3 and herself. Allegations with regard to torture are general and omnibus nature. Although sexual harassment has been alleged in August 2021, no

complaint was lodged for about a month with regard to the said incident. In the aforesaid backdrop, false implication of the petitioners cannot be wholly ruled out.

Under such circumstances, we are of the opinion that the petitioners may be granted pre arrest bail.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each with two sureties of like amount each, to the satisfaction of the arresting officer and the petitioner 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 nos. 3 and 4 namely, Subhasish Basak and Kamal Basak shall meet the investigating officer once in a week until further order.

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

(Aniruddha Roy ,J.)

(Joymalya Bagchi, J.)