

15.11.2021
Sl. No.41
akd
[ALLOWED]

C. R. M. 6984 of 2021 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 25.10.2021 in connection with Asansol (Women) Police Station Case No. 23 of 2021 dated 10.02.2021 under Sections 323/324/327/341/376/354/406/511/420/506/34 of the Indian Penal Code. (G.R. Case No.425 of 2021)

And

In Re: **Anindya Patra**

... .. Petitioner

Mr. Sarwar Jahan
Mr. Sudipta Maiti

... .. for the petitioner

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan

... .. for the State

It is submitted on behalf of the petitioner that the marriage between him and the de-facto complainant was dissolved by way of divorce on mutual consent. Subsequently, the instant case based on false and concocted allegations has been lodged. There is inordinate delay in lodging the criminal proceeding.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner had assaulted the victim and ravished her.

We have considered the materials on record. Matrimonial tie between the parties was dissolved by divorce on mutual consent on 21st March, 2020. Allegation of physical assault upon the de-facto complainant is on 28th September, 2020. However, no contemporaneous complaint was lodged before any authority. In this backdrop, truthfulness or otherwise of the allegation of rape on 5th October, 2020 and that too at the residence of the de-facto complainant is to be assessed at the time of trial. There is also considerable delay in lodging the FIR. In view of the aforesaid attending facts and

circumstances, we are of the opinion that custodial interrogation of the accused/petitioner may not be necessary in the facts of the present case and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely **Anindya Patra**, be released on 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 also 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 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.)