

24.11.2021
Court No.32
rpan / 207

CRM No. 7045 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re: **Sentu Pal**

- Petitioner

Mr. Manas Kumar Das

...For the Petitioner.

Ms. S. Bhattacharyya

Mr., Mirza Firoj Ahmed Begg

...For the State

Apprehending arrest in connection with Kandi Police Station Case No. 543 of 2021 dated 14.10.2021 under Sections 354/506/34 of the Indian Penal Code and Section 8 of the Protection of Children from Sexual Offences Act, 2012, the petitioner has filed the present application.

The learned lawyer for the petitioner, Mr. Das submitted that the petitioner and the *de facto* complainant are the neighbours and the whole allegation is result of misunderstanding and misgivings between the parties. Still today, they are living as neighbours. No overt acts or strong incriminating elements are there against the present petitioner. Therefore, according to the learned lawyer, anticipatory bail application may be allowed, as custodial interrogation is not necessary.

Per contra, the learned lawyer representing the State, Mr. Begg submitted that there are incriminating elements against the petitioner, in particular, those contained in the statements of the

victim recorded under Sections 161 and 164 of the Code of Criminal Procedure.

We have perused the case diary and other materials. Although investigation is going on, in our opinion, available material does not warrant custodial interrogation of the present petitioner. Accordingly, we are inclined to allow the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely, **Sentu Pal** shall be released on bail upon furnishing two registered sureties of ₹10,000/- 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.

The application for anticipatory bail, being CRM No. 7045 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)