

CRM No.7201 of 2021

Via video conference

02.12.21

(S.R.)

Sl.516

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **English Bazar** Police Station Case No.1021 of 2021 dated 21/08/2021 under Sections 417/376 of the Indian Penal Code (G.R. Case No.4437 of 2021);

And

In re: Sk Rafikul

... petitioner.

Mr. Avinaba Patra

... for the petitioner.

Mr. Sudip Ghosh

Mr. Bitasok Banerjee

...for the State.

The learned advocate appearing for the petitioner submits that the petitioner had a love relation with the victim lady, who subsequently married a person residing in the village Bhabanipur. The allegations levelled against the petitioner are unfounded and in the said conspectus, custodial interrogation of the petitioner is not warranted.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the victim lady, as recorded under Sections 164 of the Code as well as the medical report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, from the statements of the victim lady as recorded under Section 164 of the Code and the medical report, consensual sex cannot be totally ruled out. Considering the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that his custodial interrogation is not warranted in the facts and circumstances.

Accordingly, we direct that in the event of arrest the petitioner will be released on bail upon furnishing a bond of Rs.10,000/- with

two sureties of like amount each, one of whom must be local, 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 with a further direction that the petitioner shall meet with the investigating officer once in a week on and from 6th December, 2021 till the investigation is complete.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

The application for anticipatory bail being CRM No.7201 of 2021 is, accordingly, 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.)