

CRM 7544 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Atanu Saha**

..... petitioner

Mr. Deep Chaim Kabir
Mr. Mazhar Hossain Chowdhury
.....For the petitioner

Mr. Avishek Sinha
.....For the State

Apprehending arrest in connection with Jadavpur Police Station Case No. 288 of 2021 dated 25.08.2021 under Sections 417/376/506 of the Indian Penal Code, the present application has been preferred.

Mr. Kabir, learned advocate appearing for the petitioner submits that the petitioner is a Professor of Jadavpur University. The victim is pursuing her M.Phil. Course in Jadavpur University. She is suffering from psychiatric complications and is under heavy medication. The allegations as levelled against the petitioner are absolutely unfounded and he has been falsely implicated. In the said conspectus, custodial interrogation of the petitioner is not warranted.

He further submits that the petitioner is presently facing an enquiry being conducted by the Internal Complaints Committee and he is regularly attending the same.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several

documents in the case diary including the statement of the victim, as recorded under Section 164 of the Code of Criminal Procedure.

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

Both the petitioner and the victim lady are adult persons and *prima facie*, it cannot be ruled out that initially their relationship was consensual. Considering the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not warranted, moreso when it appears that there is no likelihood that the petitioner would flee from justice.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Atanu Saha** shall 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, 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 further condition that the petitioner shall meet with the Investigating Officer once a week on and from 29th December, 2021 till investigation is over.

The petitioner shall not tamper with the evidence and/or intimidate the witnesses.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned

Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM 7541 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.)