

21.12.2021
cm/ct 28
sl no. 28

C.R.M. 8289 of 2021

In Re : An application for Anticipatory bail under section 438 of the Code of Criminal Procedure in connection with English Bazar P.S Case No. 1240 of 2021 dated 21.09.2021 under Sections 376/506 of the Indian Penal Code.

And

Allowed

In Re : Mithun Das

..... petitioner

Mr. Sanat Kr. Das
Mr. Sujan Chatterjee

..... for the petitioner

Mr. Mazhar Hossain Chowdhury

.... For the de-facto.

Mr. Swapan Banerjee
Ms. Purnima Ghosh

..... for the State

It is submitted on behalf of the petitioner that there was a love affair between the parties and he has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for bail. Learned lawyer for the de-facto complainant also opposes the prayer for bail.

We have considered the materials on record. Contention of the petitioner that there was a love affair between the parties is admitted by the victim in her statement under Section 164 Cr.P.C. Allegation of forcible rape requires to be assessed in the light of the aforesaid factors during trial. However, in the facts and circumstances of the case, we are of the view though custodial interrogation is not necessary, movement of the petitioner requires

to be restricted in order to instill confidence in the mind of the victim.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount each, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 on further condition that the petitioner while on bail shall not enter the jurisdiction of English Bazar police station until further orders except for the purpose of investigation and attending court proceeding and shall report to the concerned officer-in-charge within whose jurisdiction he shall reside while on bail once in a week until further orders and shall provide the address where he shall presently reside to the investigating officer as well as court below while on bail.

Petitioner shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 8289 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)