

21.12.2021
Sl. No.101
akd
[ALLOWED]

C. R. M. 8637 of 2021 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 16.12.2021 in connection with Salboni Police Station Case No. 204 of 2021 dated 23.08.2021 under Sections 417/376 of the Indian Penal Code.

And

In Re: **Santanu Das**

... .. Petitioner

Mr. Milon Mukherjee .. Sr. Advocate
Mr. Biswajit Manna

... .. for the petitioner

Mr. S. S. Imam
Mr. Rajes Jana

... .. for the State

It is submitted on behalf of the petitioner that there was a love affair between him and the de-facto complainant. A false criminal case was registered against him being Salboni Police Station Case No.204 of 2021 dated 23.08.2021. He has been granted pre-arrest bail in the said case. Subsequently, to harass and humiliate him, the instant case has been registered.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner while on bail in the earlier case had forcibly ravished the victim.

We have considered the materials on record including the statement of the victim girl. An intimate relationship between the parties is admitted. Allegation of forcible rape is to be assessed in the light of the aforesaid factors during trial. However, in view of the aforesaid facts, we are of the opinion though custodial interrogation of the accused/petitioner may not be necessary in the facts of the present case, his movement requires to be restricted in order to instil confidence in the mind of the de-facto complainant.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely **Santanu Das**, 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, while on bail, shall not enter the jurisdiction of Salboni Police Station until further orders except for the purpose of investigation and/or for attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders. 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.)