

24.08.2021
Court No.28
Item No. 02
Krishnendu
Allowed

**C.R.M. 8342 of 2020
(Via Video Conference)**

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

And

In re: **Raju Sardar**

Petitioner

Mr. Kallol Kumar Basu
Md. Jannat ul Firdous
Mr. Debapriya Samanta

For the Petitioner

Mr. Binay Panda
Mrs. Puspita Saha
Mr. Subham Bhakat

For the State

Apprehending arrest in connection with Hasnabad Police
Station Case No. 148 of 2020 dated 24.02.2020 under
Sections 376/493/325/406/506 of the Indian Penal Code, the
present application has been preferred.

Mr. Basu, learned advocate appearing for the petitioner
submits that the petitioner has been falsely implicated. The
allegations levelled against him are unfounded. The *de facto*
complainant is a married lady, who is having a son of 19
years. In the said conspectus, custodial interrogation of the
petitioner is not necessary.

Mrs. Saha, 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 *de facto* complainant, as recorded under section 164 of

the Code of Criminal Procedure and the statements of other witnesses, as recorded under section 161 of the Code of Criminal Procedure. She further submits that investigation is still continuing.

It appears from the statement of the *de facto* complainant, as recorded under section 164 of the Code of Criminal Procedure, that she was having a relationship with the petitioner herein for the last 14 years.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, including the statement of the *de facto* complainant, as recorded under section 164 of the Code of Criminal Procedure, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, in the event of arrest the petitioner, viz. **Raju Sardar**, 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, 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 and with a further condition that the petitioner shall not enter the jurisdiction of Hasnabad Police Station, save and except for meeting the Investigating Officer of this case once a week until further orders. He shall also immediately intimate his

address where he would be residing to the Investigating Officer of this case.

The application for anticipatory bail, being CRM 8342 of 2020, is, thus, disposed of.

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

(Arindam Mukherjee, J.)

(Tapabrata Chakraborty, J.)