

23.09.2021

Court No.01
rpan / **38**

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

C.R.M. 790 of 2021

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

and

In Re : **Satyaki Chakraborty**

...Petitioner.

Mr. Sandipan Ganguly,
Ms. Sreyashee Biswas,
Ms. Puja Goswami
... for the petitioner.

Mr. Nilay Chakraborty,
Ms. Namrata Das
... for the State.

Apprehending arrest in connection with Pradhan Nagar Police Station Case No.196 of 2021 dated 05.04.2021 under Section 376 of the Indian Penal Code, corresponding to Charge-sheet no.337 of 2021 dated 30.06.2021 under Sections 376D/354B of the Indian Penal Code, the petitioner has preferred the present application.

Mr. Ganguly, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The *defacto* complainant is an adult woman and she herself had stated in the complaint that she was in an inebriated condition. The petitioner has not been named in the FIR. No specific role has been attributed to the petitioner in the complaint, which was lodged after 24 hours of the alleged incident. The petitioner is a doctor and is presently undergoing his internship training at North Bengal Medical College & Hospital and there is no likelihood that he would flee from justice. In the said conspectus, custodial

interrogation is not warranted, more so when upon completion of investigation, charge-sheet has been submitted.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the medical report and the statement of the victim girl, as recorded under Section 164 of the Code.

Prima facie, there is no dispute that the petitioner was present at the place of occurrence on the date of the alleged incident. Considering the statement of the victim girl, as recorded under Section 164 of the Code, the gravity of the offence and the extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour and his prayer for anticipatory bail is refused.

Accordingly, the application for anticipatory bail, being CRM 790 of 2021, is dismissed.

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

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)