

28.01.2022

Court No.32
rpan/ **49**

C.R.M. (A) 69 of 2022

[Via video Conferencing]

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

And

In re: **Amit Sarkar**

- Petitioner

Mr. Sourav Mukherjee

... for the Petitioner.

Mr. Narayan Prasad Agarwal,

Sk. Arif Hossain

... for the State.

Apprehending arrest in connection with Tehatta Police Station Case No.647 of 2021 dated 03.12.2021 under Sections 448/376/511 of the Indian Penal Code, the petitioner has filed the present application.

Mr. Mukherjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the alleged incident. The victim lady is an adult woman. The allegations levelled against the petitioner are unfounded and as the petitioner is ready to extend all cooperation with the investigation, he may be granted anticipatory bail on any stringent condition.

Mr. Hossain, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the victim lady as recorded under Sections 161 and 164 of the Code.

Answering our query, he submits that the victim has refused medical examination.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, there are certain contradictions between the statements of the victim girl as recorded under Sections 161 and 164 of the Code. It appears that the victim lady also refused medical examination. In the said conspectus, we are of the opinion that custodial interrogation of the petitioner may not be necessary. However, his movement needs to be restricted.

Accordingly, we allow the application and direct that in the event of arrest the petitioner, namely, **Amit Sarkar** 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, with a further condition that he shall not enter the jurisdiction of Tehatta Police Station, save and except for meeting with the Investigating Officer of the case once a week till the investigation is complete and shall also intimate the address where he would be residing to the Officer-in-charge, Tehatta Police Station immediately.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

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 (A) 69 of 2022 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.)