

CRM(A) No.249 of 2022

Via video conference

22.02.22

(S.R.)

Sl.13

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Rejinagar** Police Station Case No.176 of 2021 dated 03/09/2021 under Sections 354/376 of the Indian Penal Code;

And

In re: Sourav Ghosh @ Kalu Ghosh

... petitioner.

Mr. Kingsuk Mondal

... for the petitioner.

Mr. Partha Pratim Das

Mr. Amanul Islam

...for the State.

Mr. Mondal, learned advocate appearing for the petitioner submits that the petitioner is aged about 23 years and the victim lady is aged about 47 years. He has been falsely implicated in the alleged incident. The allegations levelled against the petitioner are unfounded. In the said conspectus, custodial interrogation may not be necessary and he may be granted anticipatory bail on any stringent condition.

Mr. Das, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim lady, as recorded under Section 164 of the Code as well as the injury report.

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary. However, his movement needs to be restricted.

Accordingly, we direct that in the event of arrest the petitioner will 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 the petitioner shall not leave the jurisdiction of Rejinagar police Station save and except for attending the learned trial court on all the dates as specified for hearing and shall meet with the investigating officer of the case once in a week till investigation is complete.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

The application for anticipatory bail being CRM(A) No.249 of 2022 is, accordingly, 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.)