

Sl. 10
15.03.2022
Court No.32
SD

CRM(A) 429 of 2022

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In the matter of: Rintu Ali

... Petitioner.

Mr. Kallol Mondal

Mr. Souvik Das

...for the Petitioner.

Mr. Saswata Gopal Mukherjee

Ms. Faria Hossain

Ms. Baisali Basu

...for the State.

Apprehending arrest in connection with Chanchal Police Station Case No.535 of 2021 dated 05.7.2021 under Section 6 of Protection of Children from Sexual Offences Act, 2012 read with Sections 323/325/307/328/417/313 of the Indian Penal Code, 1860, the petitioner has filed the present application, praying for anticipatory bail.

Mr. Kallol Mondal, learned lawyer appearing for the petitioner submitted that the entire allegation is concocted and afterthought. The genesis of the case is a complaint lodged under Section 156(3) containing a fabricated story and allegation against the present petitioner. There is hardly any supporting documents or evidence to the allegation raised in the complaint. Since the allegation is frivolous, custodial detention is not necessary and accordingly, he prays for anticipatory bail. He further stated that the victim is a major and is 19 years of age presently.

Ms. Faria Hossain, learned lawyer appearing for the State, strongly objected the bail application that the victim was minor at the early stage of the consensual relationship. However, she frankly admitted that no supporting document is with the case diary to support the allegations u/s 313 of IPC.

We have heard the rival submission and perused the case diary.

No injury report is there although the victim stated that one of her fingers was broken. There is no other medical report to support the allegation of abortion.

On perusal of the C.D. and other materials on record, considering extent of overt act attributed to the petitioner and his complicity in the alleged offence, we are inclined to allow the present application for anticipatory bail and direct that in the event of arrest, the petitioner 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 the petitioner shall not enter into Chanchal Police Station save and except to attend the Court and to meet the I.O. once in a week till investigation is pending.

The petitioner shall inform to the Investigating Officer his present address where he is residing.

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) 429 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.)