

CRM(A) No.522 of 2022

Via video conference

10.03.22

(S.R.)

Sl.155

Ct.32

Allowed

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **English Bazar** Police Station Case No.252 of 2020 dated 13/03/2020 under Sections 448/323/376/511/34 of the Indian Penal Code;

And

In re: Chandan Roy

... petitioner.

Mr. Mrityunjay Chatterjee

Mr. Kaushik Dey

Mr. Debapriya Majumder

... for the petitioner.

Mr. Suswata Gopal Mukherji

Mr. Partha Pratim Das

Ms. Pritha Paul

...for the State.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. Upon completion of investigation charge sheet has also been submitted and as such, custodial interrogation is not necessary. The principal accused has already been granted bail by the Learned Court below.

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

Prima facie, there are inconsistencies between the contents of the complaint and the statement of the victim girl, as recorded under Section 164 of the Code. The medical examination report, *prima facie*, do not corroborate the allegations and since upon completion of investigation charge sheet has been submitted, we are of the opinion that custodial interrogation of the petitioner 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 enter the jurisdiction of English Bazar Police Station until further orders save and except for attending the Learned Court below on all the dates, as specified for hearing. He shall intimate the address where he would be residing to the Inceptor-in-charge of English Bazar police Station immediately.

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 anticipatory bail without any further reference to this Court.

The application for anticipatory bail being CRM(A) No.522 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.)