

22.06.2022

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Ct. No. 29

**KAUSHIK**

Allowed

**C.R.M.(A) 2947 of 2022**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **English Bazar** Police Station Case No. **511** of **2022** dated **31.03.2022** under Sections 376/323/506 of the Indian Penal Code, 1860.

And

In Re : Selim Sk.

..... petitioner

Mr. Rana Mukherjee

....for the petitioner

Mr. Ranabir Roychowdhury

Mr. Sandip Chakraborty

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, another co-accused was granted bail by the Coordinate Bench. He refers to the order dated June 7, 2022 passed in CRM (DB) 1332 of 2022. He submits that, police complaint was lodged after 44 days of the alleged offence. The petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary, the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) and her medical examination report.

While granting bail to the co-accused, the Co-ordinate Bench observed as follows:

“We have considered the materials on record including the statement of the victim lady. It is alleged she was ravished by a milk man on 15.2.2022 and on the next date i.e. 16.2.2022 by her brothers-in-law viz., Selim Sk. and the petitioner herein. Although her husband was present, she kept quiet for more than one month and the first information report was lodged on 23.3.2022. Whether the allegation of forcible rape on consecutive days by different persons upon a housewife who remained silent for more than one month is probable or not requires to be assessed during trial. Keeping in mind the aforesaid facts and the period of detention suffered by the petitioner, we are inclined in granting bail to the petitioner, however, subject to strict conditions.”

In such view, the present petitioner should be released on anticipatory bail on the ground of parity of the reasoning. Therefore, we enlarge the petitioner on anticipatory bail.

Accordingly, we 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, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet the Investigating Officer once a week and on condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the

petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**