

22.07.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3484 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliganj** Police Station Case No. **406** of **2022** dated **27.06.2022** under Sections 341/354 of the Indian Penal Code, 1860 with added Sections 376/506 of the Indian Penal Code, 1860.

And

In Re : Soumen Ghosh @ Somnath Ghosh

..... petitioner

Mr. Prabir Majumdar

....for the petitioner

Mr. Abhra Mukherjee

Mr. Dipankar Mahata

....for the State

Leave granted to the learned advocate appearing for the petitioner to correct the cause title.

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. He highlights the age of the petitioner, which is 18 years. He submits that, the de-facto complainant is 28 years of age and married.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary. He submits that, the de-facto complainant initially refused to record statement under Section 164 of the Code of Criminal Procedure (Cr.P.C.) and undergo medical examination. Thereafter, she changed her stand and recorded 164 Cr.P.C.

statement and also allowed herself to be medically examined. Subsequent to the 164 Cr.P.C. statement, the police included provisions of Sections 376/506 of the Indian Penal Code.

The claim made by the de-facto complainant in the 164 Cr.P.C. statement is not corroborated by the medical examination.

There is apparently change in stand from the contents of the First Information Report and the 164 Cr.P.C. statement.

Considering in such material in the case diary and considering the age of the petitioner, we deem it appropriate to 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 fortnight till the conclusion of the investigation and on condition that the petitioner shall appear on every date 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.)