

28.07.2022
Sl.46
Court No.29
(AD)
(Allowed)

C.R.M. (A) 3575 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kalyani** Police Station Case No. **396** of **2022** dated **18.07.2022** under Section **376(2)(f)** of the Indian Penal Code, 1860.

And

In the matter of: **Dr. Bibekananda Mukherjee @ Vivekananda Mukherjee**

....petitioner.

Ms. Minoto Gomes
Mr. Shibaji Kumar Das

...for the petitioner.

Ms. Anasuya Sinha
Ms. Jonaki Saha

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated.

Learned Advocate appearing for the petitioner draws the attention of the Court to the fact that the de facto complainant initially approached the Vice-Chancellor of the University with a complaint. The Vice-Chancellor was of the view that the complaint should contain further materials which the de facto complainant complied. An Internal Complaints Committee was constituted. The proceedings was assailed by the petitioner. He refers to several orders passed by the High Court in two of the writ petitions. He submits that ultimately by the order dated July 18, 2022, the final order of the Internal Complaints Committee was set aside by the High Court. Immediately thereafter at about 7.30 p.m. on July 18, 2022 itself the present police complaint was lodged.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the de facto complainant recorded under

Section 164 of the Code of Criminal Procedure.

Considering the earlier orders of the High Court including the order dated July 18, 2022 passed by the Writ Court and considering the fact that the police complaint was lodged on the same date as that of the last order of the High Court, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, 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 and on condition that the petitioner will report before the Investigating Officer as and when called for 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 3575 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)