

04.01.2022

Court No.32
rpan / **240**

CRM 7685 of 2021

[through Video Conferencing]

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

And

In Re.: **Sandip Sarkar**

- Petitioner

Mr. Manas Kumar Das

... for the Petitioner.

Mr. Sandip Chakraborty

... for the State.

Apprehending arrest in connection with Chinsurah Police Station Case No.274 of 2021 dated 02.07.2021 under Sections 417/376/506 of the Indian Penal Code, 1860, the instant application is filed by the principal accused praying for anticipatory bail.

The learned lawyer for the petitioner submitted that marriage took place between the petitioner and the victim girl. The victim girl in her own volition left her parental home to live with the present petitioner's family. There is no element of rape in the relationship as consent was there. Allegations are false and baseless. It is not necessary that the petitioner be in custodial detention for interrogation. Accordingly, he prayed for anticipatory bail.

Per contra, the learned lawyer for the State submitted that there are strong incriminating elements against the present petitioner, as appears from the statements of the victim girl, recorded under Section 161 of Cr.P.C. as well as under Section 164 of the Cr.P.C. According to the learned lawyer, investigation

is still pending and recoveries are not yet made. In the said conspectus of fact, anticipatory bail is strongly opposed.

We have perused C.D. and other materials and heard rival submissions. It appears, on perusal of C.D., particularly, the statement of the victim girl, that the present petitioner duped the victim girl; had physical relationship, lived in the same family but took no step to marry her legally. It is also alleged that the present petitioner took personal photographs of the victim and threatened to upload such photographs in social media.

The learned lawyer appearing for the State submitted that incriminating materials are yet to be recovered and seized. On perusal of C.D. and other materials, considering the extent of incriminating element and the stage of investigation, we are not inclined to allow the anticipatory bail to the present petitioner and the same stands rejected.

The application for anticipatory bail, being CRM 7685 of 2021 is, thus, dismissed.

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.)