

CRM 7912 of 2021
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Soumen Das**

..... petitioner

Mr. Suman De

.....For the petitioner

Md. Anwar Hossain
Ms. Sreyashee Biswas

.....For the State

Apprehending arrest in connection with Tamluk Police Station Case No. 572/2017 dated 20.12.2017 under Sections 417/420/376 of the Indian Penal Code, the instant application for anticipatory bail is filed by the principal accused.

Mr. De, learned lawyer appearing for the petitioner submitted that the allegations are not sustainable against the present petitioner because there was a consensual physical relationship between the parties. It is not a case of rape against the petitioner. Charge sheet has been filed. Therefore, according to Mr. De, custodial detention is not necessary. Accordingly, in the given facts and circumstances of the case, anticipatory bail is prayed for.

Per contra, Mr. Hossain, learned lawyer appearing for the State strongly objected to the anticipatory bail application on the ground that the statement of the victim girl is strongly incriminatory against the present petitioner. He further stated that although investigation is complete and charge sheet is

filed in the year 2021, the present petitioner has been absconding for long for which he could not be arrested.

Heard the learned lawyers appearing for the respective parties and perused the case diary. We have gone through the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, written complaint, medical examination report and the statement of witnesses – all of which trace out a serious offence against the present petitioner. On perusal of the case diary, it appears that several raids were conducted to arrest the present petitioner, but he has been avoiding police arrest.

Considering the nature of allegations, conduct of the petitioner, the extent of incriminating materials, we are not inclined to exercise our discretion and as such, instant anticipatory bail application is rejected.

The application CRM 7912 of 2021 is, accordingly, 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.)