

11.01.2022

Court No.32

rpan/ **23**

C.R.M. 8074 of 2021

[Via video Conferencing]

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

And

In re: **Bapi Ghorai**

- Petitioner.

Mr. Amal Krishna Samanta

... for the Petitioner.

Md. Anwar Hossain,

Ms. Sreyashee Biswas

... for the State.

Apprehending arrest in connection with Moyna Police Station Case No.280 of 2021 dated 01.11.2021 under Sections 363/365 of the Indian Penal Code, the petitioner has filed the present application.

Mr. Samanta, learned advocate appearing for the petitioner submits that there was a love relationship between the petitioner and the victim girl and the petitioner has been falsely implicated. The victim girl willingly and without any inducement left her residence and accompanied the petitioner. Upon completion of investigation charge sheet has also been submitted as such, custodial interrogation is not warranted.

Mr. Hossain, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim girl, as recorded under Section 164 of the Code and other materials in the case diary.

Answering a query of this Court, Mr. Hossain informs that the victim girl refused medical examination.

Having heard the learned advocates and considering the materials in the case diary, the statement of the victim girl as recorded under Section 164 of the Code, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary, more so when, upon completion of investigation, charge sheet has been filed. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Bapi Ghorai** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, 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.

It is further directed that the petitioner shall attend the learned court below on all the dates specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM No. 8074 of 2021, is, thus, disposed of.

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.)