

CRM (A) 4079 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Chinsurah Police Station Case No. 334 of 2022 dated 01.07.2022 under Sections 376/417 of the Indian Penal Code.

-And-

In the matter of : **Santanu Halder**

... .. Petitioner

Mr. Debarshi Kundu, Advocate
Ms. A. Das Chakraborty, Advocate
Mr. Sagnik Mukherjee, Advocate

... .. For the Petitioner

Mr. Sudip Kumar, Advocate

... ..For the State

Mr. A. Ganguly, Advocate

... .. For the de facto complainant

Petitioner seeks anticipatory bail.

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

Learned Advocate appearing for the State draws the attention to the statement of the de facto complainant recorded under Section 164 of the Code of Criminal Procedure.

Learned Advocate appearing for the de facto complainant draws the attention to the order dated August 3, 2022 passed by the Chief Judicial Magistrate. He submits that there is a writ petition for police inaction pending.

The de facto complainant and her statement recorded under Section 164 of the Code of Criminal Procedure acknowledged that there was a relationship between her and the petitioner. Both the petitioner and the de facto complainant are adults.

The order of the Chief Judicial Magistrate dated August 3, 2022 relates to the failure of the Investigating Officer in collecting the statement of the de facto complainant recorded under Section 164 of the Code of Criminal Procedure. The case diary produced in Court contains the statement of the de facto complainant recorded under Section 164 of the Code of Criminal Procedure.

In such circumstances, we are inclined to 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall meet the Investigating Officer as and when called for till the conclusion of the conclusion and further 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.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 4079 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)