

06.01.2022
tkm/ct 29
sl no. 6

C.R.M. 8785 of 2021
(via video conference)

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Balurghat P.S Case no. 473 of 2021 dated 31.8.2021 under sections 363/365/34 of the IPC read with section 8 of the POCSO Act

And

Allowed

In Re : Shatrughna Das @ Shatrugna Das petitioner

Mr. K Bagchi
Mr. D Ghosh

..... for the petitioner

Mr. Swapan Banerjee
Mr. Suman De

..... for the State

It is submitted on behalf of the petitioner that there was a love affair between the parties. He has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for anticipatory bail.

We have considered materials on record including the statement of the victim girl. Allegation of forcible sexual assault requires to be assessed in the light of the aforesaid submission relating to pre-existing amorous relationship between the parties.

Under such circumstances, we are of the opinion though custodial interrogation of the petitioner is not necessary, movement of the petitioner requires to be restricted in order to instill confidence in the mind of the victim and other witnesses.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- with two sureties of like amount, 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 further condition that the petitioner while on bail shall not enter the jurisdiction of Balurghat P.S. until further orders except for the purpose of investigation and attending court proceeding and shall report to the concerned officer in charge within whose jurisdiction he shall reside while on bail once in a week until further orders and shall provide the address where he shall presently reside while on bail to the investigating officer as well as court below.

Petitioner shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 8785 of 2021 is disposed of.

(Bibhas Ranjan De, J.)

(Joymalya Bagchi, J.)