

10.02.2022

Court No.32

pan / 202

C.R.M. 8840 of 2021

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

And

In re: **Sandip Hansda**

- Petitioner.

Mr. Malay Bhattacharyya,

Ms. Shefa Mondal,

Mr. Subhrojyoti Ghosh

... for the Petitioner.

Mr. Imran Ali,

Mr. Mirza Firoj Ahmed Begg

... for the State.

Apprehending arrest in connection with Karandighi Police Station Case No.321 of 2021 dated 05.07.2021 under Sections 417/376 of the Indian Penal Code, 1860 the petitioner has filed the present application.

Mr. Bhattacharyya, learned advocate appearing for the petitioner submits that there was a consensual relationship between the petitioner and the victim, who is an adult lady. She was aware of the consequences of such relationship. But still the petitioner has been falsely implicated. In the said conspectus, custodial interrogation may not be necessary.

Mr. Begg, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the victim girl, as recorded under Sections 161 and 164 of the Code as well as the medical report.

Heard the learned advocates and considered the materials in the case diary.

Prima facie, it appears that there are certain inconsistencies between the statements of the victim girl as

recorded under Sections 161 and 164 of the Code. Whether the act of the petitioner, *per se*, would constitute the alleged offence is a matter to be decided at the appropriate stage of the trial. As such, we are of the opinion that custodial interrogation is not necessary. In view thereof, prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sandip Hansda** 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further direction that he shall not enter the jurisdiction of Karandighi Police Station save and except for meeting with the Investigating Officer of the case once a week till investigation is complete and he shall also intimate the address where he would be residing the Officer-in-Charge of Karandighi Police Station.

It is further directed that the petitioner shall also attend the trial court on 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 8840 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.)