

17.02.2022

Court No.32
rpan / **209**

C.R.M. 8955 of 2021

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

And

In re: **Koushik Sardar**

- Petitioner.

Ms. Sananda Bhattacharyya (through v.c.)
... for the Petitioner.

Mr. Goutam Wilson
... for the State.

Apprehending arrest in connection with Haringhata
Police Station Case No.413 of 2021 dated 19.12.2021 under
Sections 417/376 of the Indian Penal Code, the petitioner has
filed the present application.

Heard the learned advocates appearing for the respective
parties and considered the materials in the case diary, including
the injury report as well as the statement of the victim as
recorded under Section 164 of the Code. *Prima facie*, there are
certain inconsistencies between the statements of the victim girl
as recorded under Sections 161 and 164 of the Code. It further
appears that there was a free mixing between the petitioner and
the victim girl for a period of five years. Whether such free
mixing was actuate with dishonest intention from the inception
needs to be assessed at the appropriate stage of the trial. In
view thereof, we are of the opinion that custodial interrogation is
not necessary.

Accordingly, we allow the prayer for anticipatory bail and
direct that in the event of arrest, the petitioner, namely,

Koushik Sardar 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 condition that he shall meet with the Investigating Officer of the case once a week till investigation is complete.

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 8955 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.)