

(Through Video Conference)

CRM 9018 of 2021

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 29.11.2021 in connection with Hanskhali Police Station Case No. 703 of 2020 dated 22.12.2020 under Sections 376/506 of the Indian Penal Code.

-And-

In the matter of : **Goutam Das**

... ..Petitioner

Mr. Kaushik Chatterjee, Advocate

Mr. Tirthankar De, Advocate

... .. For the Petitioner

Mr. Bidyut Kr. Roy, Advocate

Ms. Sima Biswas, Advocate

... .. For the State

It is submitted on behalf of the petitioner that there is pre-existing enmity between the parties. The petitioner and his associates were implicated in Hanskhali P.S. Case No. 520 of 2020 dated 09.10.2020 on the allegations of molesting the de facto complainant and assaulting her husband. The petitioner was discharged in the aforesaid case. Thereupon he has been falsely implicated in the present one.

Learned Advocate appearing for the State opposes the prayer for bail and submits that the petitioner had allured the victim on the false promise of giving job and ravished her.

We have considered the materials on record. In the earlier case petitioner and associates were alleged to have molested the de facto complainant and assaulted her husband. Credibility of the allegations of alluring the de facto complainant to accompany the petitioner on the

promise of giving employment requires to be assessed in the backdrop of the aforesaid hostility during trial. Furthermore, possibility of false implication of the petitioner out of such enmity by and between the parties cannot be ruled out.

In view of the aforesaid circumstances, we are of the opinion that though custodial interrogation of the petitioner is not required petitioner is required to cooperate with the investigation.

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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and with a further condition that the petitioner shall meet the Investigating Officer once in a month till the conclusion of the investigation and with a further condition that the petitioner shall appear before the Court below and pray for regular bail within four weeks from date.

The prayer for anticipatory bail is allowed.

CRM 9018 of 2021 is disposed of.

(Joymalya Bagchi, J.)

(Bibhas Ranjan De, J.)