

28.09.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 4622 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Singur** Police Station Case No. **233** of **2022** dated **11.06.2022** under Sections 376D/509/323/325/384/354B/506/34 of the Indian Penal Code, 1860.

And

In Re : Sandip Ruidas @ Bubai Das

..... petitioner

Mr. Bitasok Banerjee

....for the petitioner

Ms. Faria Hossain

Ms. Baisali Basu

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the victim was medically examined instantly. The incident took place on May 4, 2022. She did not complain of rape at that point of time. Subsequently, the present police complaint was lodged on June 11, 2022.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) and to the medical report of the victim.

The victim was examined on May 4, 2022.

The medical report of the victim does not corroborate rape as complained of by the victim. In her 164 Cr.P.C. statement, the victim claims that she was ravished by number of persons.

In the facts of the present case, the issue of false implication cannot be overlooked at this stage.

Consequently, we 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/-, 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 further condition that the petitioner shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and on 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

