

13.01.2022
Item no.08.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

(Via Video Conference)

CRM (A) No. 40 of 2022

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Pundibari Police Station Case No.622 of 2021 Dated 24.11.2021 under Section 376 of the Indian Penal Code.

And

In the matter of: Pulak Chakraborty.

.....Petitioner.

Mr. Sudhindra Das for the Petitioner.

Mr. Kallol Acharji,
Mr. Sagnik Sankar Sikdar for the State.

The petitioner is apparently a pharmacist and runs a medicine shop. He is about 55 years of age. The victim lady, about 30 years old, is a dentist and used to run her chamber from the shop of the petitioner. The allegation is that on November 20, 2021, the petitioner called the victim over telephone and asked her to come to the shop as a dental patient was waiting. When the victim went to the shop, the petitioner sexually abused her.

The petitioner says that he has been framed. He has no involvement in the alleged offence.

The State opposes the prayer for anticipatory bail.

We have seen the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure. We have also seen the call records. The allegation is that around 6:00 P.M. on the day of the incident, the petitioner called the victim. However, the call records show that two telephone calls were made by the victim herself around 17:15 hours and 19:23 hours. The call records do not support the victim's version of the incident. The Medical Report reveals nothing. It records that there is no sign of injury and hymen is intact.

On an overall assessment of the facts and circumstances of the case and the material on record, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely, **Pulak Chakraborty** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that he shall report to the Investigating Officer of the concerned police station once in a fortnight until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned

Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M.(A) No. 40 of 2022 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)