

**02.02.2023**  
**Serial no. 15**  
[Dd]  
(Anticipatory bail)  
**Allowed**)

**CRM (A) 435 of 2023**

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **G.R. Case No. 2815 of 2022** arising out of **Karandighi** Police Station Case No. **567 of 2022** dated **02.11.2022** under Sections **376/511** of the Indian Penal Code.

**-And-**

In the matter of : **Tanmoy Ghosh**

... .. Petitioner

*Mr. Jayanta Narayan Chatterjee,*  
*Ms. Jayashree Patra,*  
*Mr. Sreeparna Ghosh, Advocates*  
... .. *For the Petitioner*

*Mr. Neguive Ahmed, Id. APP*  
*Ms. Trina Mitra, Advocates*  
... ..*For the State*

Petitioner prays for anticipatory bail.

Learned advocate for the petitioner submits that the petitioner was falsely implicated. The petitioner and the de facto complainant are neighbours. There were disputes between them as neighbours. The wife of the petitioner also lodged a police complaint on the same date.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the victim recorded under Section 164 of the Criminal Procedure Code.

The victim in her statement recorded under Section 164 of the Criminal Procedure Code claims that the petitioner continuously raped her for over a period of one year. She kept quite due to threat held out by the petitioner. However, in the night of October 30, 2021, she could no longer tolerate the incident and started shouting, whereupon local persons

intervened. In answer to a query of Court as to whether, the case diary contains any statement recorded under Section 161 of the Criminal Procedure of any neighbours corroborating such claim of the victim recorded under Section 164 of the Criminal Procedure Code or not, learned advocate appearing for the State submits that there are statements of persons who claimed that they heard about the incident in the next morning.

The claim of the victim that local persons intervened post occurrence of the incident on October 30, 2021, is not corroborated by the materials presently available in the case diary.

Consequently, we are inclined to 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/- (Rupees Ten Thousand Only), 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 report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

**CRM (A) 435 of 2023 is disposed of.**

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**

