

04.04.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1414 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Santragachi** Police Station Case No. **52** of **2022** dated **17.04.2022** under Sections 376(F)/354/509/506 of the Indian Penal Code, 1860.

And

In Re : Sri Nirmalya Roy

..... petitioner

Mr. Santanu Singha

Mr. Suranjan Mondal

Mr. Amit Kumar Roy

....for the petitioner

Ms. Paramita Dutta

Mr. Soumya Nag

....for the de-facto complainant

Mr. Abhra Mukherjee

Mr. Dipankar Mahata

....for the State

Petitioner, State and the de-facto complainant are represented.

Learned advocates for the State and the de-facto complainant opposes the prayer for anticipatory bail.

One of the co-accused was enlarged on anticipatory bail by an order dated March 30, 2023 passed in CRM(A) 1297 of 2023.

Petitioner stands on the same footing as that of such co-accused.

There is a considerable delay in the lodgment of the First Information Report. The police complaint relates to the incidents allegedly happening when the de-facto complainant was a minor. She is presently 29 years of age. She lodged the police complaint on April 17, 2022.

In such circumstances, 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 month 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.)

