

25.04.2023

19

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1754 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Sagarpara** Police Station Case No. **61** of **2023** dated **05.03.2023** under Sections 448/376/506 of the Indian Penal Code, 1860.

And

In Re : Soyen Kasai @ Sainuddin Mondal

..... petitioner

Ms. Minoti Gomes

....for the petitioner

Mr. Tanmoy Kumar Ghosh

Ms. Sonali Bhar

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. There was an extra marital affair between the petitioner and the de-facto complainant. The police complaint was lodged three days after the alleged incident on the pressure of the husband of the de-facto complainant.

The de-facto complainant recorded her statement under Section 164 of the Code of Criminal Procedure (Cr.P.C.), where she claims that she was raped by the petitioner.

There are 161 Cr.P.C. statements of the neighbours, which suggest that the petitioner was on visiting terms with the

de-facto complainant. The neighbours saw the petitioner visiting the de-facto complainant on several occasions.

The issue of false implication cannot be overlooked at this stage.

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.)

(Rai Chattopadhyay, J.)

