

25.04.2024
25
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 981 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kulpi** Police Station Case No. **68** of **2024** dated **05.03.2024** under Sections **417/376** of the Indian Penal Code pending before the learned Additional Chief Judicial Magistrate, Diamond Harbour, South 24 Parganas.

And

In Re : **Sanjoy Rajoward**

..... petitioner

Mr. R.N. Bag
Ms. Sharmila Datta Das
Ms. Anasuya Bhattacharya
...for the petitioner

Ms. Zareen N. Khan
Mr. M.F. Begg
...for the State

Mr. Samim ahammed
Md. Jannat Ul Firdaus
Mr. Rajesh Naskar
Mr. D. Abbasi
..for the defacto complainant

Petitioner before us is a police personnel.

Petitioner was detailed to protect the defacto complainant.

Defacto complainant alleges that, the petitioner raped her.

Learned advocate appearing for the defacto complainant refers to the order dated September 19, 2022 passed in W.P.A. 17397 of 2022 and the writ petitioner therein itself. He submits that, the writ petitioner was taken to a police station in respect of an another incident where she was brutally assaulted by the police. High Court intervened by the order dated September 19, 2022.

Learned advocate appearing for the defacto complainant submits that, the defacto complainant is fearful of her life. He also submits that, his client filed a writ petition for transfer of the investigation of this police case which is pending.

Learned advocate for the State draws the attention of the Court to the materials in the case diary.

We perused the medical examination report of the defacto complainant. Medical report does not corroborate the claim of rape at this stage.

Other materials in the case diary do not corroborate the stand of the defacto complainant at this stage.

As noted above, the petitioner before us is a police personnel who was detailed to protect the defacto complainant.

In view of the materials in the case diary and the fact that the petitioner is a police personnel, 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. The petitioner will report before the Investigating Officer once a week till the conclusion of the investigation. 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.)