

12.04.2024
Item No.110
Court No.28
CHC
Allowed

C.R.M. (A) 1256 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kasba Police Station Case No. 48 of 2024 dated 05.02.2024 under Sections 376/417/506 of the Indian Penal Code, pending before the Learned Additional Chief Judicial Magistrate, Alipore, South 24 Parganas.

And

In Re : Susanta Paul petitioner

Mr. Arindam Jana,
Mr. Sumanta Das,
Ms. Tanushree Kar,
Ms. Atreyee Halder

.....for the petitioner

Mr. Anindya Sundar Chatterjee

....for the State

1. Petitioner prays for anticipatory bail. Petitioner contends that victim was a major lady at the time of cohabitation. Subsequently, various demands of money was made upon him by her mother. As he was unable to meet the demand he has been falsely implicated in the case. There is a delay of five years in registering the First Information Report.
2. Learned lawyer for the State opposes the prayer for anticipatory bail.

3. Learned lawyer for the de facto complainant submits that the petitioner is an influential person and the victim is the daughter of his maid.
4. We have considered the materials on record. The victim was a major lady at the time of cohabitation. But the de facto complainant strenuously argued the petitioner being the employer of her mother was in a dominant position in relation to the victim. Even if such fact is taken into consideration one cannot lose sight of the fact incident occurred in 2018 but neither the victim nor her mother lodged complaint with the police. Thereafter, petitioner took the victim to Pune to arrange for her employment. It is alleged petitioner cohabited with the victim at Pune too. Then criminal case was registered. Petitioner contends as he failed to meet the demands of the victim and her mother he was framed. In the factual matrix possibility of false implication owing to the petitioner failing to meet the demands of the mother of the victim is not improbable. Under such circumstances, we are of the opinion that custodial interrogation is not necessary but movement of the petitioner requires to be restricted so as to instill the confidence to the mind of the victim and to create

a safe environment in which the victim may depose in the case.

5. 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 condition that he shall appear before the court below and pray for regular bail within a period of four weeks from date and on further conditions that petitioner shall not enter into Narendrapur Police Station where the victim resides until further orders.
6. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)