

29.04.2024

DL-27
Court No.29
(AD)
(Allowed)

C.R.M. (A) 1502 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mejia** Police Station Case No.**32 of 2024** dated **03.03.2024** under Sections **376/506** of the Indian Penal Code, 1860 pending before the Learned Chief Judicial Magistrate at Bankura. (G.R. Case No.304 of 2024).

And

In the matter of: **Amit Bag**

....petitioner.

Mr. Soumik Ganguli

...for the petitioner.

Mr. Iqbal Kabir

Mr. Atulya Sinha

... for the State.

1. Petitioner prays for anticipatory bail.
2. Learned Advocate appearing for the petitioner submits that, the petitioner was falsely implicated. He refers to the call details record of the mobile phone of the petitioner. He submits that, although it is alleged that, the petitioner raped the de facto complainant on March 2, 2024 at 11 pm, in fact, petitioner and the de facto complainant were speaking on the mobile phone for 41 minutes at that material point of time. In support of such contention, he draws the attention of the Court to the call details recording provided by the service provider with regard to the telephone number of the petitioner.
3. Learned Advocate appearing for the State draws the attention of the Court to the statement of the de facto complainant recorded under Section 164 of the Code of Criminal Procedure, her medical examination report and the statement of an eye-witness.
4. In her statement recorded under Section 164 of the Code of

Criminal Procedure, de facto complainant claims that, she was raped by the petitioner. She stated that, on the night of March 2, 2024 at 11 pm when her husband was on duty, the petitioner knocked the door of the house of the de facto complainant and entered the room of the de facto complainant where she was raped.

5. In the medical examination report also, she stated that she was raped at 11 pm on March 2, 2024 by the petitioner.
6. Call details recording as produced by the petitioner in the petition for application for anticipatory bail suggests that, they were talking over the mobile phone for 2519 seconds commencing from 11.02 pm on March 2, 2024.
7. In view of such call details recording, it is difficult to place the petitioner at the time of occurrence as claimed by the de facto complainant. In fact, there are subsequent call details between the petitioner and the de facto complainant.
8. In such circumstances, we grant anticipatory bail to the petitioner.
9. 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a week 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.

10. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

11. **C.R.M. (A) 1502 of 2024** is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)