

30-05-2024
s.d & b.r
Item no.50
Allowed

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

C.R.M (A) 1909 of 2024

Deb Kamal Das
-vs-
The State of West Bengal & Anr.

In Re: An application for anticipatory bail under **Section 438 CrPC** apprehending arrest in connection with Tamluk P. S. Case No.146 of 2024 dated 19-02-2024 under Sections 341/323/325/376(2)(n)/201/307/34 of the Indian Penal Code and Section 6/17 of the POCSO Act.

Mr. Rajdeep Majumder
Mr. Pritam Roy
Ms. Sagarika Banerjee
Mr. Sarthak Mondal
...for the petitioner.

Ms. Amita Gaur
Ms. Trisha Rakshit
... for the State.

Mr. Achinta Kumar Banerjee
Mr. Jayanta Samanta
Mr. Supratik Basu
Mr. Pintu Das
Mr. Rajdeep Adhikari
...for the de facto complainant

Learned advocate for the petitioner, learned advocate for the State of West Bengal and learned advocate for the de facto complainant are present.

Heard the learned advocates for the parties.

It is the contention of the present petitioner that the petitioner being the member of a political party is falsely implicated in the instant case.

Learned advocate for the petitioner submits that the allegations against the petitioner are not maintainable in the eye of law.

Learned advocate for the State has produced the case diary and submits that there are sufficient materials against the

present petitioner showing involvement of an offence under Section 376(2)(n) of the Code of Criminal Procedure.

Learned advocate for the de facto complainant also objects the grant of bail and submits that different pictures of the de facto complainant have gone viral.

We have perused the statement recorded under Section 164 of the Code of Criminal Procedure and the medical examination report and other materials in the case diary. It is further contended by the de facto complainant that there was relationship with the present petitioner and there was no allegation of forceful commission of rape, in the said statement.

Upon perusing the statement recorded under Section 164 of the Code of Criminal Procedure and the medical examination report, we are of the view of that the prosecution has not been able to make a case where custodial interrogation is necessary. Considering the facts and circumstances of the case, we are of the view in the interest of justice the petitioner should be granted an opportunity to remain on anticipatory bail. Thus, the prayer for anticipatory bail of the present petitioner stands allowed.

As such, in the event of arrest, the petitioner shall be released on bail, upon furnishing bond of Rs.10,000/- (Rupees ten thousand only) with two sureties of like amount each, to the satisfaction of the arresting officer and on condition that he shall not tamper with the evidence of the case or intimidate the witnesses.

Further, the petitioner upon being released shall meet the Arresting Officer once in a week and shall not meet the de facto complainant and the persons acquainted with the facts of the case

and shall submit all necessary documents and materials required for the purposes of investigation before the Investigating Officer.

Furthermore, the petitioner shall not leave the jurisdiction of Tamluk Police Station without the permission of the Investigating Officer.

The aforesaid order of anticipatory bail are subject to the conditions laid down under Section 438(2) of the Code of Criminal Procedure.

With the aforesaid observations, CRM(A) 1909 of 2024 is, thus, disposed of.

Urgent certified copy of this order, if applied for, be given to the parties after compliance of necessary formalities.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this court.

[Biswaroop Chowdhury, J.]

[Tirthankar Ghosh, J.)

