

18.07.2024
SL No.17
Court No.29
(gc)
(Partly-Allowed)

CRM (A) 2066 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Barrackpore Women Police Station Case No.33 of 2024 dated 15.05.2024 under Sections 376/307/34 of the Indian Penal Code.

And

In the matter of : **Vicky Prajapati @ Bicki Prajapati @ Vicky Projapati & Ors.**

- Petitioners.

Mr. Koustav Bagchi,
Mr. Debayan Ghosh,
Ms. Priti Kar

....For the Petitioners.

Mr. Saibal Krishna Dasgupta

....For the De facto Complainant.

Mr. Kousik Kundu,
Mr. Nazmut Touhid

... For the State.

1. Heard the learned Counsel for the parties.
2. Mr. Koustav Bagchi, learned Counsel appearing on behalf of the petitioners submits that the petitioners are innocent and they have been falsely implicated. The petitioner no.1 is in a love relationship with the de facto complainant. The petitioner no.1 was not aware that the de facto complainant was a married lady.
3. The learned Counsel for the de facto complainant and the State have opposed the prayer for anticipatory bail.
4. The learned Counsel for the State has produced the case diary and referred to the statement of the victim recorded under Section 164 of the Cr.P.C., the medical and injury report.

5. Considering the materials available in the case diary and the statement of the victim recorded under Section 164 of the Cr.P.C. which corroborates the medical and injury report, we are not inclined to grant anticipatory bail to the petitioner no.1.
6. Accordingly, the prayer of the petitioner no.1 for anticipatory bail is rejected.
7. However, there has been no specific allegation against the petitioner nos.2 and 3. Accordingly, we are of the view that the custodial interrogation of the petitioner nos.2 and 3 is not necessary.
8. Accordingly, we direct that in the event of arrest, the petitioner nos.2 and 3, namely, **Sunil Projapati @ Sunil Prajapati** and **Ram Narayan Prajapati @ Jilabi Projapati**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further directed that the petitioner nos.2 and 3 shall meet the Investigating Officer once in a fortnight till the submission of the final report and shall appear before the learned Additional Chief Judicial Magistrate at Barrackpore, District- North 24 Parganas in connection with G.R. Case No.3287 of 2024 within two weeks from date.
9. Accordingly, the application for anticipatory bail is disposed of.

10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)