

01.02.2024

655 (ML)
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 5378 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ranaghat** Police Station Case No. **194 of 2023** dated **08.04.2023** under Sections **376** of the Indian Penal Code and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re: Chiranjit Mandal

..... petitioner

Mr. Sananda Bhattacharya
....for the petitioner

Mr. Partha Pratim Das
Mr. Nirupam Dhali
....for the State

Affidavit of service filed in Court be taken on record.

None appears for the victim.

Victim is a minor. She recorded a statement under Section 164 of the Cr.P.C. where she stated that she was gossiping with her friend when the petitioner approached them, slapped her friend and took her inside the room and raped her.

We perused the statement of the friend spoken of by the victim. Such friend recorded a statement stating that he was present when the petitioner came, slapped him and took the victim to the room. He heard the cries of the victim.

The incident apparently occurred in a place where presence of member of are number of persons cannot be ruled out given the time and place of occurrence.

The medical examination report notes that the hymen of the victim was torn. It, however, does not speak about any injury to any other private parts of the victim. It is medically acknowledged that tear of hymen can occur due to various reasons.

The conduct of the friend and the materials in the case diary raises doubt as to the authenticity of the incident.

In such circumstances, 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 month 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.)