

16.01.2025

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Rejected

C.R.M. (A) No. 17 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Chandrakona Police Station Case No. 311 of 2024 dated 27.09.2024 under Sections 341/376(2)(n)/417/420/406/506/34 of the Indian Penal Code.

And

In Re : Sukchand Roy @ Suchand ..... petitioner

Mr. Amitabha Karmakar  
Mr. Arup Kumar Bhowmick  
.....for the petitioner

Mr. Ranadeb Sengupta  
Mr. Abhishek Verma  
..... for the State

Mr. Siddartha Sarkar  
Mr. Amit Ranjan Pati  
..... for de facto complainant

1. Learned advocate for the petitioner submits he is not the principal accused. There is no allegation of rape levelled against him. He had not hold out any false assurance to give Government employment. There is inordinate delay in lodging FIR. Accordingly he prays for anticipatory bail.

2. Learned advocates for the State and *de facto* complainant oppose the prayer for anticipatory bail.

3. We have considered the materials on record. We have also gone through the statement of the victim lady. Petitioner was an employee of her father. He introduced her to one Yusuf Khan who, in turn, introduced her to the principal accused i.e Nazrul who assured that she would be given a

Government job. On such assurance he induced her to meet him and raped her. Due to threats held out by petitioner and others she remained quiet. She was also compelled to pay money for securing employment. It has been argued petitioner was unaware of the false assurance given by Nazrul. But WhatsApp messages recovered during investigation shows petitioner had sent a fake appointment letter to the victim lady. This *prima facie* establishes petitioner's involvement in the dishonest representations which compelled the victim to part with money on the false promise of giving employment. The representations had been made in 2016 and it is argued that the FIR was belatedly registered. *De facto* complainant is an unemployed lady and is a victim of a racket who procured money on the false assurances of giving Government jobs. Victim initially believed the accused and was sexually exploited. She was also induced to pay money to the miscreants. She was threatened by them. These circumstances explain the delay in lodging FIR. Other accused are absconding.

4. In view of gravity of the offence and *prima facie* involvement of the petitioner as a conspirator in the crime we are not inclined to grant anticipatory bail to the petitioner.

5. Accordingly, prayer for anticipatory bail is rejected.

**(Gaurang Kanth, J.)**

**(Joymalya Bagchi, J.)**