

21.10.2022  
Sl. 1  
Court No.29  
Suvayan/  
c.m

**IN THE HIGH COURT AT CALCUTTA  
CIRCUIT BENCH AT PORT BLAIR  
CRIMINAL MISCELLENEOUS JURISDICTION**

**C.R.M. (A) 5 of 2022**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Aberdeen** Police Station Case No. **165** of **2022** dated **01.10.2022** under Sections **376D/228A/506/120B** of the Indian Penal Code, 1860.

And

In the matter of: **Jitendra Narain**

....petitioner.

Mr. Deep Chain Kabir  
Mr. Sajith Prasad  
Mr. Mazhar Hossain Chowdhury

...for the petitioner.

Mr. Sumit Karmarkar

...for the State.

Suffice it to state that the petitioner while holding a very senior and respectable post in the Executive Branch of the Union Territory of Andaman and Nicobar Islands has been facing an investigation in connection with Aberdeen Police Station F.I.R. Case No. 165 of 2022 dated 1<sup>st</sup> October, 2022 on the allegation that he along with other accused persons committed a gang rape on the victim/*de facto* complainant on 14<sup>th</sup> April, 2022 and 1<sup>st</sup> May, 2022 respectively. It is also pertinent to note that the *de facto* complainant filed an application under Section 156 (3) of Code of Criminal Procedure on 30<sup>th</sup> September, 2022 on the basis of which the aforesaid police station case was registered.

We also feel pertinent note that the petitioner was transferred to Delhi on 21<sup>st</sup> July, 2022 and he joined his new assignment. After the institution of the abovementioned case was brought to the notice of the petitioner, the petitioner openly declared that he is ready and willing to co-operate with the

investigation of the said case.

However, a joint team of police officers of Union Territory of Andaman and Nicobar Islands and Delhi Police conducted raid in the house of the petitioner on 18<sup>th</sup> October, 2022 which prompted the petitioner to file an application before the Hon'ble Delhi High Court praying for transit anticipatory bail.

A Single Bench of Delhi High Court granted interim protection from arrest in favour of the petitioner till 28<sup>th</sup> October, 2022.

The petitioner has filed the instant application praying for extension of such period on the ground that the next Circuit Bench at Port Blair will start from 14<sup>th</sup> November, 2022 and the petitioner may be given an opportunity to pray for anticipatory bail before the Circuit Bench at Port Blair.

Learned Public Prosecutor-in-Charge has raised objection against the prayer made on behalf of the petitioner. It is submitted by the Learned Public Prosecutor-in-Charge that the instant matter may be fixed on 28<sup>th</sup> October, 2022 before the next Vacation Bench and the Learned Public Prosecutor-in-Charge shall produce the case diary before the next Circuit Bench.

We are of the view that judicial discipline does not demand fixing a matter before a Vacation Bench of which, we are not the parties. At the same time, we are not unmindful to note that the abovementioned case requires immediate investigation taking both the aspects into consideration, We direct the petitioner to appear before the Special Investigation Team (SIT) on a date/dates fixed by the SIT during the period 22<sup>nd</sup> October,

2022 to 28<sup>th</sup> October, 2022 giving at least two days prior notice to the learned Advocate for the petitioner. Learned Advocate for the petitioner is requested to inform the date of appearance of the petitioner before the SIT to the petitioner immediately after receipt of such notice. It is open for the SIT to interrogate and take all other steps as far example; medical examination, etc. of the petitioner in course of such interrogation. Both the petitioner and the prosecution are at liberty to place the matter before the Circuit Bench on the date of its first sitting after Vacation, that is, on 14<sup>th</sup> November, 2022 with a prayer to fix a date for hearing of the instant application till that date the interim protection against arrest is granted in favour of the petitioner.

The parties are at liberty to act on the server copy of this order.

**(Bibek Chaudhuri, J.)**

**(Prasenjit Biswas, J.)**