

C.R.M. 2805 of 2020

(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sagardighi P.S. Case No. 01 of 2020 dated 01.01.2020 under sections 448/376/323/506/34 of the Indian Penal Code.

And

In the matter of: Sahinsa Sk.

Mr. Jisan Iqubal Hossain

... ... for the petitioner

Mr. Arijit Ganguly

Mr. Sanjib Kumar Dan

... ... for the State

It is submitted on behalf of the petitioner that the parties had an illicit relationship. When the matter came to light, petitioner was falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for anticipatory bail.

We have considered the materials on record including the statement of the victim girl recorded under section 164 Cr.P.C. Allegation of forcible rape may be assessed in the light of the aforesaid submission made on behalf of the petitioner at the appropriate stage of the proceeding.

Under such circumstances, we are of the opinion though custodial interrogation of the petitioner may not be necessary, his movement requires to restrict in order to instill confidence in the mind of the victim.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, 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 and on further condition that the petitioner shall not enter the jurisdiction of Sagardighi Police Station until further orders except for the purpose of investigation and attending Court proceedings and shall provide the address where he shall presently reside to the investigating agency as well as the Court below and shall report to the officer in charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders.

This application for anticipatory bail is, thus, allowed.

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

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)