

09.10.2020
SL No.33
Court No.23
(gc)
(Allowed)

CRM 6647 of 2020
CRAN 1 of 2020

(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Beldanga** P.S. Case No.**305/2020** dated **16.07.2020** under Sections 376/506 of the Indian Penal Code.

And

In the matter of: **Mofijul SK @ MD Mofizul Haque**

....Petitioner.

Mr. Tapodip Gupta,

...for the Petitioner.

Ms. Faria Hossain

Ms. Baisali Basu

...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per Rules within one month of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly, the application being CRAN 1 of 2020 is disposed of.

The learned Counsel for the petitioner submits that the petitioner has been falsely implicated and the petitioner is absolutely innocent.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail. It is submitted that the statement made by the victim under Section 164 of the Cr.P.C. directly implicates the petitioner to the commission of offence.

Having considered the materials on record and the injury report, we feel that the custodial interrogation of the petitioner is

not necessary and, accordingly, allow the prayer for anticipatory bail to the petitioner subject to stringent conditions.

In the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) together with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer subject to the conditions as laid down under Section 438(2) of the Cr.P.C., 1973. The petitioner shall not enter the jurisdiction of the concerned Police Station except for meeting the Investigating Officer or attending the Court. It is also directed that the petitioner shall meet the Investigating Officer of the case once a week.

It is further directed that the petitioner shall provide the address where the petitioner shall presently reside to the Investigating Officer and the Court below and shall report to the Officer-in-charge of the concerned police station within whose jurisdiction the petitioner shall presently reside once in a fortnight until further orders.

Accordingly, the application for anticipatory bail being CRM 6647 of 2020 is allowed.

All parties are to act on a website copy of this order on the usual undertaking.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)