

21.09.2020
tkm
sl no. 75

C.R.M. 6702 of 2020
CRAN 1 of 2020
(via video conference)

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kulti P.S case no. 271 of 2020 dated 26.7.2020 under sections 341/323/354/354A/354B/506 of the Indian Penal Code and sections 8/10 of the POCSO Act

And

Allowed

In Re : Ramchandra Rabidas

..... petitioner

Mr. T Chowdhury

..... for the petitioner

Mr. Amanul Islam

..... for the State

Petitioner undertakes to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

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

It is submitted on behalf of the petitioner that there was a prior dispute between the petitioner and the de facto complainant, mother of the victim girl. Criminal case was registered by the petitioner against the de facto complainant and others on 9th July 2020 which was registered as Asansol P.S Case no. 68 of 2020 dated 29.7.2020. In retaliation the incident case has been registered.

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. We have also noted the earlier complaint lodged by the petitioner against the de facto complainant

and others. The statement of the victim girl is bereft of material particulars with regard to dates on which the incident occurred.

In view of the aforesaid facts particularly the pre-existing enmity between the parties, we are of the view false implication of the petitioner cannot be wholly ruled out. Hence, we are inclined to 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 and on further condition that the petitioner while on bail shall not enter the jurisdiction of Kulti P.S. until further orders except for the purpose of investigation and attending court proceeding and shall report to the concerned officer in charge within whose jurisdiction he shall reside while on bail once in a week until further orders and shall provide the address where he shall presently reside to the investigating officer as well as court below while on bail.

The application being CRM 6702 of 2020 is disposed of.

(Kausik Chanda, J.)

(Joymalya Bagchi, J.)