

24.09.2020
(27) KC

C.R.M. 6724 of 2020
With
CRAN 1 of 2020
(Via Video Conference)

In Re:- An application for bail under Section 438 of the Code of Criminal Procedure in connection with Bagnan Police Station Case No. 8 of 2018 dated 05.01.2018 under Sections 376/511/354 of the Indian Penal Code read with Section 8 of the Protection of Children from Sexual Offences Act, 2012.

In the Matter of : Mayejul Ali Khan @ Mayejul Khan @
Mayajun Ali Khan
.... petitioner.

Ms. Minoti Gomes,
Mr. Partha Sarathi Das.....For the petitioner.

Mr. Gautam Wilson.....For the State.

The advocate-on-record for the petitioner undertakes to affirm and properly stamp the petition as per the rules within forty eight hours of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

This is a case under Section 376 of the Indian Penal Code. The incident occurred in January, 2018.

Learned advocate for the State submits that since the petitioner was absconding he could not be arrested.

We notice that the application for anticipatory bail was rejected by this Court on 11th March, 2020. Still the petitioner was not arrested. This application was affirmed on 8th September, 2020 and stated to have been served on the

State on that day itself. Still the petitioner has not been arrested.

This is a fit case for anticipatory bail and there is no need to take the petitioner into custody at this stage as long as he reports to the investigating officer as and when called, till the investigation is complete.

Subject to the above, in the event of arrest, the petitioner will be released on bail upon furnishing security of Rs. 10,000/- (Rupees Ten Thousand) together with personal release bond of equivalent value to the satisfaction of the arresting officer.

The petitioner will also comply with the conditions laid down in Section 438(2) of the Code.

We add a condition that it will be open to the police to approach the court below for custodial interrogation, if and when such necessity arises.

In those circumstances, the application for anticipatory bail is allowed.

CRM 6724 of 2020 and the interim application filed therein are disposed of.

(I.P. MUKERJI, J.)

(MD. NIZAMUDDIN, J.)

