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CRM No. 7018 of 2020

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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 Berhampore Women Police Station Case No. 108 of 2020 dated 04.08.2020 registered for investigation into offences punishable under Sections 448/376/511 of the Indian Penal Code.

And

In the matter of : Rajib Sk @ Rajib Ali

... Petitioner

Mr. Somnath Adhikary

.. for the petitioner

Mr. Swapan Banerjee

Ms. Purnima Ghosh

..for the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within one month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking. Accordingly the application being CRAN 1 of 2020 stands disposed of.

Learned counsel for the petitioner has submitted that the petitioner has been falsely implicated in the case. It has also been submitted that the petitioner is an

electric motor van driver and due to the altercation between the petitioner and the husband of the victim a false case has been lodged against the petitioner. Moreover, the complaint was lodged after 13 days of the alleged incident.

The prayer for anticipatory bail is opposed by the learned advocate for the State. The statement of the victim recorded under Section 161 of the Code of Criminal Procedure would show that the petitioner has molested the victim. It is submitted by the learned counsel for the State that since no statement of the victim under Section 164 of the Code of Criminal Procedure could be recorded, she is unable to produce any such statement.

Considering the nature of the offence alleged and the materials on record involving the petitioner, we are of the opinion that custodial interrogation of the petitioner is not necessary. Under such circumstances, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, in the event of arrest, the petitioner will be enlarged on bail upon furnishing security of Rs.10,000/- with two sureties each of like amount, one

of whom must be local, to the satisfaction of the arresting officer subject to the condition that the petitioner shall meet the investigating officer of the case once a week. The petitioner shall not enter the jurisdiction of the Berhampore Women Police Station until further orders except for the purpose of the meeting the investigating officer and/or attending the court proceedings and shall provide the address where the petitioner shall personally reside to the investigating officer as well as 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 week until further orders.

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

CRM 7018 of 2020 is disposed of.

(Soumen Sen, J.)

(Sauagata Bhattacharyya, J.)