

28.09.2020
SI. No.42
akd
[ALLOWED]

C. R. M. 7078 of 2020 [via video conferencing]
(CRAN 1 of 2020)

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Ratua Police Station Case No. 285 of 2020 dated 21.06.2020 under Sections 376/506/509 of the Indian Penal Code. (G.R. Case No.1253 of 2020)

And

In Re: **Hasan @ Hasen Ali**

... .. Petitioner

Mr. Kausik Biswas .. Advocate

... .. for the petitioner

Mr. Saibal Bapuli .. Ld. Addl. Public Prosecutor

Mr. Arani Bhattacharyya .. Advocate

... .. 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.

The application being CRAN 1 of 2020 is accordingly, disposed of.

It is submitted on behalf of the petitioner that there is a pre-existing enmity and criminal case was registered against the nephew of the de-facto complainant for violating the sister of the petitioner. In retaliation, the instant case has been registered.

Learned Additional Public Prosecutor opposes the prayer for anticipatory bail.

Having considered the materials on record and bearing in mind the nature of allegations in the light of the aforesaid submissions with regard to pre-existing enmity and registration of criminal case against a relation of the victim, we are of the opinion though custodial interrogation of the accused/petitioner is not necessary in the facts of

the present case, his movement requires to be restricted in order to instil confidence in the mind of the victim.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Hasan @ Hasen Ali***, 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 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 shall not enter the jurisdiction of Ratua Police Station until further orders except for the purpose of investigation and/or for 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.

The application for anticipatory bail is, thus, disposed of.

All concerned authorities shall act in terms of the copy downloaded from the official website of this court.

(Kausik Chanda, J.)

(Joymalya Bagchi, J.)