

09.10.2020
DL No.37
Court No.23
am

CRM 7258 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 **Sagardighi** P.S. Case No.**156/2020** dated **20.03.2020** under Sections **448/376/511/323/506/34** of the Indian Penal Code.

And

In the matter of: **Esrafil Sk.**

....Petitioner.

Mr. Somnath Adhikary

...for the Petitioner.

Mr. N. Ahmed,

Ms. Amita Gaur

...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 parties have relationship with each other.

The learned Counsel appearing on behalf of the petitioner submits that a false complaint has been lodged against the petitioner.

The learned Counsel appearing on behalf of the State however opposes the prayer for anticipatory bail of the petitioner. It is submitted that the statement recorded under Section 164 of the Code of Criminal Procedure directly implicates the petitioner.

Learned counsel in her all fairness submits that the victim has refused medical treatment.

Having considered the materials on record available in the case diary and the relationship between the parties as well as the statement recorded under Section 164 of the Code of Criminal Procedure and the nature and extent of complicity and involvement of the petitioners in the commission of the offence, we feel that the custodial interrogation of the petitioner is not necessary. In the event of arrest the petitioner shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) with two sureties of like amount, one of whom must be local, to the satisfaction of the arresting officer subject to the condition as laid down under Section 438(2) of the Cr.P.C.

It is further directed that the petitioner shall meet the I.O. of the case once a week and shall co-operate with the investigation and shall not leave the jurisdiction of Sagardighi Police Station without leave of the trial court and shall attend the trial regularly.

The application for anticipatory bail being CRM 7258 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.)