

Sl. September
18. 29, 2020

C.R.M. 7288 of 2020
With
C.R.A.N. 1 of 2020

(Via Video Conference)

In the matter of : An application for anticipatory bail under Section 439 of the Code of Criminal Procedure in connection with Duttapukur Police Station Case No. 3 of 2020 dated January 1, 2020 under Sections 450/427/376D of the Indian Penal Code;

And

In the matter of : Mrinal Biswas ...petitioner.

Versus

State of West Bengal ...opposite party.

Mr. Angshuman Chakraborty,
...for the petitioner.

Mr. Rana Mukherjee,
Ms. Sujata Das,
...for the State.

The petitioner undertakes to appropriately affirm and stamp the petition as per the Rules within one week of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims that though an allegation of gang rape has been brought, the petitioner was not named by the survivor.

The State says that the matter is sensitive since one of the accused is the son of a legal practitioner in Barasat.

The State's submission cannot be appreciated, particularly, since the law makes no difference between any ordinary litigant or a litigant who may be related to any Advocate or Judge. It is hoped that the law takes its own

course irrespective of the status of any accused or any relationship of the accused with any person attached to the court.

It is the further submission of the State that the survivor in this case moved into a rented place not more than ten days before the incident and could not identify the miscreants. The State also says that a separate case has been initiated against this petitioner and the co-accused persons in this case for such persons having directly or indirectly intimidated the landlord at the place of occurrence.

Considering the entire circumstances, the present petitioner does not deserve any latitude. This order may be cited in the event the other co-accused persons seek to obtain bail.

CRM 7288 of 2020 and the interim application therein are disposed of.

(Sanjib Banerjee, J.)

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(Aniruddha Roy, J.)