

ADDL.40.
October 1, 2020.
SG

CRM 7354 of 2020
with
CRAN 1 of 2020

In Re. An application for bail under Section 438 of the Code of Criminal Procedure in connection with Sagarpara Police Station Case No.73 of 2020 dated 02.09.2020 under Sections 417/376 of the Indian Penal Code.

In the matter of: Suraj Mahammad
...petitioner.

Ms S. Mukherjee
... for the petitioner.

Mr Rana Mukherjee
Mr Ashok Das
... for the State.

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours 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 the complainant suppressed the facts that the complainant was married and entered into a union with the petitioner. Later, when it was discovered that the complainant was married and she had a daughter, the complainant returned to her parents and lodged a false complaint against the petitioner.

The State has referred to the statement of the complainant recorded under Section 164 of the Code. It is a convoluted statement which indicates that the complainant and the petitioner were involved and had a relationship.

In the circumstances, the immediate custodial interrogation of the petitioner may not be necessary as long as he reports to the investigating officer as and when called till the investigation is completed.

In the event of arrest, the petitioner is directed to be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of like amount, one of whom must be local, to the satisfaction of the arresting officer. The petitioner will also abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 7354 of 2020 and CRAN 1 of 2020 are disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)

