

08.10.2020
SL No.31
Court No.10
(sd)
(Allowed)

CRM 7593 of 2020

(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with C. Spl Case No. 38 /2020 arising out of **Kandi P.S. Case No. 405/2020** dated **17.09.2020** under **Sections 376/511** of the Indian Penal Code and Section 8 of the POCSO Act.

And

In the matter of: **Chhoton Bittel**

....Petitioner.

Mr. S. Adhikary

...for the Petitioner.

Ms. F. Gossain

Ms. B. Basu

...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.

The learned counsel appearing for the petitioner submits that there was a love relationship between the petitioner and the victim and due to the dispute between the two families, the petitioner has been falsely implicated.

The learned counsel for the State opposes the prayer for bail. It is submitted that the victim in her statement recorded under section 164 Cr.p.c has implicated the petitioner. However, it has been frankly submitted that the victim had denied medical examination.

Having considered the materials on record as well as the extent of complicity of the petitioner in the commission of alleged offence, we are of the opinion that the custodial interrogation is not necessary. Accordingly, we allow the anticipatory bail to the petitioner.

In the event of arrest, the petitioner shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) together with two sureties of like amount each, 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.

The application for anticipatory bail being CRM 7593 of 2020 is allowed.

It is further directed that the petitioner shall not leave the jurisdiction of Kandi Police Station until further order and will meet the I.O of the case once in a week.

All parties are to act on a website copy of this order on the usual undertaking.

(Saugata Bhattacharyya, J.)

(Soumen Sen, J.)