

18.11.2020
SL No.13
Court No.12
s.biswas
(Allowed)

CRM 7622 of 2020
With
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 **Tehatta** P.S. Case No.**392/2020** dated **17.09.2020** under Sections 363/365/120B/376 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In the matter of: **Injamul Saikh @ Injamul Sk**

....Petitioner

Mr. Atis Kumar Biswas
Mr. Amit Singh

...for the Petitioner

Mr. S. G. Mukherjee
Mr. Aniket Mitra

...for the State

The petitioner undertakes to affirm and stamp the petition/application as per Rules within 48 hours of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

Accordingly CRAN 1 of 2020 is disposed of.

Learned counsel appearing for the petitioner submits that the petitioner and the victim are in consensual relationship and there is love affair between the parties. The petitioner has been falsely implicated.

Learned counsel appearing for the State opposes the prayer for anticipatory bail of the petitioner. However, in all fairness learned counsel for the State has referred to the

statement of the victim recorded under Section 164 of the Cr.P.C.

Considering the materials on record and the nature and extent of complicity of the petitioner in the commission of alleged offence and also having regard to the statement of the victim recorded under Section 164 of the Cr.P.C., we are of the opinion that custodial interrogation of the petitioner is not required. Accordingly, we allow the prayer for anticipatory bail to the petitioner.

In the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.5,000/- with one surety to the satisfaction of the arresting officer subject to the conditions as laid down under Section 438(2) of the Cr.P.C., 1973. It is directed that the petitioner must cooperate with the Investigating Officer.

Accordingly, the application for anticipatory bail being CRM 7622 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.)