

08.10.2020
SL No.35
Court No.10
(sd)
(Allowed)

CRM 7636 of 2020

(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Tehata **P.S. Case No. 371/2020** dated **08.09.2020** under **Section 354/456/509** of the Indian Penal Code and under section 8 of POCSO Act .

And

In the matter of: Rajesh Roy

....Petitioner.

Ms. K. Roy

...for the Petitioner.

Mr. I. Ali

Mr. M.F.A. Begg

...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 family of the petitioner and the complainant are relatives. The petitioner alleged that due to family dispute, 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.

Having considered the materials on record and the complicity of the petitioner in the commission of the alleged offence, we feel that custodial interrogation of the petitioner may not be 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. It is further directed that the petitioner shall not leave the jurisdiction of the Tehatta Police Station and will meet the I.O of the case every day fixed by I.O.

The application for anticipatory bail being CRM 7633 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.)