

18.11.2020
SL No.16
Court No.12
s.biswas
(Allowed)

CRM 7707 of 2020

(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nakashipara** P.S. Case No.**500/2017** dated **22.08.2017** under Sections 376/323/417/34 of the Indian Penal Code.

And

In the matter of: **Sentu Sk @ pakhirul Islam**

....Petitioner

Ms. Karabi Roy

...for the Petitioner

Mr. Narayan Prasad Agarwala

Mr. Goutam Wilson

...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.

Learned counsel appearing for the petitioner has candidly submitted that the application for anticipatory bail of the petitioner no.4 in CRM 11866 of 2017, the petitioner herein, was rejected and the prime accused persons have been granted anticipatory bail by a co-ordinate Bench in CRM 11866 of 2017 on 30th November, 2017.

Learned counsel for the State opposes the prayer for anticipatory bail of the petitioner. It is submitted that the petitioner is absconding and the warrant of arrest issued against the petitioner is pending.

Considering the materials on record in the case diary and nature and extent of complicity of the petitioner in the commission of alleged offence and the statement of the victim recorded under Section 164 of the Cr.P.C. and the fact that petitioner no.3/Dulal Biswas in CRM 11866 of 2017 has been granted anticipatory bail and charge-sheet has already been filed, we are inclined to grant anticipatory bail to the petitioner subject to following conditions:

In the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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. It is directed that the petitioners must cooperate with the Investigating Officer.

This order of anticipatory bail shall remain valid for a period of 5 weeks from date within which time the petitioner shall approach the appropriate Court for regular bail.

Accordingly, the application for anticipatory bail being CRM 7707 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.)