

ADDL 28.
November 17, 2020.
SG

CRM 7830 of 2020

In Re. An application for bail under Section 438 of the Code of Criminal Procedure in connection with Arambagh Police Station Case No.524 of 2019 dated 05.12.2019 under Sections 448/323/325/376/511/504/509/34 of the Indian Penal Code.

In the matter of: Mobirul Ali @Sk Mobirul Ali
...petitioner.

Ms Srimoyee Mukherjee
... for the petitioner.

Mr S.S. Imam
Mr Subrato Roy
... 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 a family dispute has led to a young member of the opposing family lodging a completely false complaint against the petitioner.

The State refers to the statement of the alleged survivor recorded under Section 164 of the Code. The State also refers to the injury report.

Considering such statement and the injury report, it does not appear that the petitioner committed rape, though an attempt to commit rape is alleged. Considering the material against the petitioner, he ought not to be taken into custody as long as he does not contact the survivor till the trial is concluded.

In the event of arrest, the petitioner will be enlarged on bail upon furnishing a security of Rs.10,000/- (Rupees Ten Thousand Only) with two sureties of like amount each, 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 7830 of 2020 stands disposed of.

(Sanjib Banerjee, J.)

(Aniruddha Roy, J.)