

17.11.2020
37
Sws M/G.S.Das
Ct. No.11

CRM 7881 of 2020

(Via Video Conference)

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Islampur Police Station Case No. 506 of 2020 dated 17.09.2020 under Sections 376/448 of the Indian Penal Code.

And

In the matter of : **Sariful Sk @ Sarful Sk @ Shariful Sk**
..... Petitioner

Mr. Mrityunjoy Chatterjee
Mr. G. N. Imrohi for the Petitioner

Mr. Aniket Mitra
...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.

Learned Advocate for the petitioner submits that there is a delay in FIR being registered as after five days of the incident the victim complained to the police station. Learned Advocate further argues that there was a dispute between the family of the complainant and the present petitioner and with malice the present case has been initiated.

Learned Advocate for the State opposes the prayer and draws the attention of this Court to the statement under Section 164 of the Code of Criminal Procedure of the victim as well as the Medical Report.

We have perused the case diary and on appreciation of the Medical Report, we are of the opinion that the custodial detention of the petitioner may not be warranted in the facts and circumstances of this case and as such prayer for anticipatory bail is **allowed**.

In the event of arrest, the petitioner shall be released on anticipatory bail upon furnishing bond of Rs.10,000/- (rupees ten thousand only) with two sureties of Rs.5000/- (rupees five thousand) each to the satisfaction of the arresting officer or the investigating officer of the case and on condition that the petitioner shall not tamper with the evidence or intimidate the witnesses. The petitioner shall meet with the Investigating Officer of the case once in a week till submission of the charge-sheet on and from 20.11.2020. In default, the aforesaid order would become infructuous.

The aforesaid order of anticipatory bail shall be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

With these observations, CRM 7881 of 2020 is disposed of.

All parties shall act in terms of copy of this order downloaded from the official website of this Court.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)

