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CRM No. 7907 of 2020

(Via video conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Bhagwangola Police Station Case No. 738 of 2019 dated 13.12.2019 registered for investigation into offences punishable under Sections 341/354/379/34 of the Indian Penal Code.

And

In the matter of : Siddik Sk. @ Siddik Ali

... Petitioner

Mr. Kallol Kumar Basu
Mr. Debapriya Samanta
Md. Jannat Ul Firdous

.. for the petitioner

Mr. Arijit Ganguly
Mr. Sanjib Kumar Dan

..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. Subject to such undertaking, the application is taken up for hearing through video conference.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case.

Learned counsel for the State however, opposes the prayer for anticipatory bail and submits that the victim in her statement under Section 164 of the Code of

Criminal Procedure has implicated the petitioner along with one Muna @ Manarul Sk.

We have perused the case diary and the materials available with the case diary. It appears that Muna @ Manarul Sk, one of the accused person was granted bail by the learned Additional Sessions Judge, Murshidabad at Lalbagh. The charge-sheet has also been filed.

In view thereof, we are of the opinion that custodial interrogation of the petitioner may not be necessary.

Under such circumstances, we are inclined to allow the prayer for anticipatory bail of the petitioner.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount, one of whom must be local, to the satisfaction of the arresting officer subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall not enter into the jurisdiction of Bhagwangola police station excepting for the purpose of meeting the investigating officer and attending the Court. The petitioner shall meet the investigating officer at least once in a week until further order.

It is made clear that in the event of breach of any of the aforesaid conditions, it would be open for the trial court to cancel the bail without any further reference to this Court.

Accordingly, the application for anticipatory bail being CRM 7907 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.)