

19.11.2020.
Item No. 45
ap

C.R.M. 7985 of 2020
(via video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 05.10.2020 in connection with Dalkhola Police Station Case No. 268 of 2019 dated 21.10.2019 under Sections 376(D)/506 of the Indian Penal Code.

And

In the matter of: Hazarat Ali @ Hajarat Ali. ...Petitioner

Mr. Amit Biswas. ...For the petitioner

Mr. S.S. Imam,
Mr. Subrato Roy.For the State

The petitioner undertakes to affirm and stamp the petition as per Rules within one week of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The petitioner says that a belated complaint was filed in which three persons were named and the two others have obtained regular bail.

The State says that the incident is more than a year old and it is evident that the petitioner was absconding for such a long time. To this, it is submitted on behalf of the petitioner that the original petition for anticipatory bail was affirmed on or about March 16, 2020, but in view of the lockdown declared thereafter, the petition was moved only in October, 2020. Whatever may be the excuse, it is evident that the petitioner was absconding for a considerable period of time.

According to the State, the survivor had an affair with one Sohrab and Sohrab apparently lured the survivor to an

isolated place where two other friends of Sohrab including the present petitioner, were present and the three of them took turns to rape the survivor. The survivor's statement in such regard is also quite categorical.

Considering the nature of the incident, the petitioner deserves very little latitude. In any event, the petitioner had been absconding for nearly a year. Such conduct cannot be condoned. The prayer for anticipatory bail is refused.

CRM 7985 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Hiranmay Bhattacharyya, J.)