

20.10.2020.
Item No. 38
(Allowed)

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C.R.M. 7995 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Chanchal Police Station Case No. 1003 of 2019 dated 22.11.2019 under Sections 448/376/511/323/506 of the Indian Penal Code;

And

In the matter of : **Samerul Ali @ Samiul Ali.**

... petitioner.

Mr. Soupal Chatterjee.

...For the petitioner.

Ms. Faria Hossain.

...For the State.

The learned Advocate-on-Record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within forty-eight hours of resumption of the normal functioning of the Court. Subject to such undertaking and urgency, the application is taken up for hearing through Video Conference.

The learned Advocate for the petitioner submits that there was a family dispute, which led to filing of the instant case against the petitioner though he was not involved in it.

The learned Advocate for the State opposes the prayer for anticipatory bail. It is submitted that the commission of offence has been disclosed in the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and, therefore, the custodial interrogation of the petitioner is necessary.

After hearing the respective parties and upon perusal of the statement of the First Information Report as well as the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, we find a variation therein

and, therefore, feels that there is no necessity of custodial interrogation to the petitioner.

Accordingly, we direct that 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 to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and with further condition that the petitioner shall appear before the investigating officer once in a week until further order.

This application for anticipatory bail is, thus, **allowed**.

(Ravi Krishan Kapur, J.)

(Harish Tandon, J.)