

20/10/2020
Item No. 53 D/L
S. De (3)

Allowed

Through Video Conference

CRM 8081 of 2020

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harirampur** P.S. Case No.173 of 2020 dated 22.09.2020 under Sections 417/376/420/34 of the Indian Penal Code.

Zafar Iqbal & Ors.
Vs
The State of West Bengal

Ms. Jeenia Rudra
...for the Petitioners.

Mr. N.P. Agarwal
Ms. Subhasree Patel ...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per the Rules within one month of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner no.2 and 3 are the father and mother of the petitioner no.1 and petitioner no.4 is the wife of the petitioner no.1

The learned counsel for the State submits that the petitioners have been falsely implicated. It is

submitted that the petitioners and the de facto petitioner no.1 is having a love relationship with the victim and on a false allegation this complaint has been made.

The learned counsel for the State opposes the prayer for anticipatory bail. Further in all fairness it is submitted that the relationship between the parties appears to be consensual.

Having considered the materials available on the case diary and the medical examination report and the nature of the relationship, we are of the opinion that custodial interrogation of the petitioners are not necessary. However, the observations with regard to the relationship between the parties is prima facie and shall not influence the trial if commenced.

In such circumstances we grant anticipatory bail of the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond 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 investigating officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner no.1 shall meet the investigating officer once in a week until further orders.

The application for anticipatory bail of the petitioners is, thus, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Aniruddha Roy, J.)

(Soumen Sen, J.)