

C.R.M. 9300 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Muchipara P. S. Case No.152 of 2020 dated 12.02.2020 under Sections 376/403/417 of the IPC.

In the matter of : Rakesh Pal	... Petitioner.
Md. Zohaib Rauf	...for the Petitioner.
Mr. N.P.Agarwala	for the State.
Ms. S.Patel	
Mr. Dipanjan Dutta	... for de facto

Learned lawyer for the petitioner submits that he cooperated with the investigation and handed over the mobile phone belonging to the de facto complainant to the investigating agency. Report of the investigating agency supports such submission.

Learned lawyer for the de facto complainant submits that mobile phone had not been handed over to her. She apprehends that it may have been tampered with.

We have considered the materials on record. The petitioner had cooperated with investigation and the mobile phone has been handed to the investigating agency. It is open to the de facto complainant to take steps for custody of the mobile phone in accordance with law.

However, in the facts and circumstances of the instant case, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and

subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J)