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CRM 9507 of 2020

(Via Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Harishchandrapur P.S. Case No.740 of 2019 dated 08.10.2019 under Sections 448/376/323/34 of the Indian Penal Code.

And

In the matter of: Alamgir

....Petitioners.

Ms. M. Gomes

Mr. Kaushik Biswas

...for the Petitioners.

Mr. Ranabir Roy Choudhury

Mr. Sandip Chakraborty

...for the State.

It is submitted on behalf of the petitioner that there is delay in lodging the F.I.R. It is further submitted that the petitioner and the de facto complainant victim had an illicit affair. As the said affair came to light petitioner has been falsely implicated in the instant case.

Learned lawyer for the State opposes the prayer for anticipatory bail.

Allegation of forcible rape may be assessed in the light of the submission made on behalf of the petitioner. In view of the aforesaid factual matrix and as there is delay in lodging the FIR, we are of the opinion that custodial interrogation may not be necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and on further condition that he shall meet the investigating officer once in a week until further orders and

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

This application for anticipatory bail is thus allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)