

DI. December
19. 4, 2020

C.R.M. 9763 of 2020

In the matter of : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Arambagh Police Station Case No. 323 of 2020 dated August 26, 2020 under Sections 448/323/325/326/307/379/354B/504/506/34 of the Indian Penal Code read with Section 8/12 of Protection of Children from Sexual Offences Act, 2012;

And

In the matter of : Sk. Amit Babu @ Arif Babu ...petitioner.

Versus

State of West Bengal ...opposite party.

Mr. Suman Chakraborty,
...for the petitioner.

Ms. Sukanya Bhattacharya,
Ms. Sonali Das,
...for the State.

We have heard the learned advocates appearing for the parties.

The petitioner undertakes to affirm and stamp the petition/application as per Rules within forty eight (48) hours of resumption of normal functioning of the Court. Subject to such undertaking, the application for anticipatory bail is taken up for hearing.

The learned advocate for the petitioner submits that there are dispute regarding property and, as such, the present case has been initiated for taking vengeance upon the petitioner. The learned advocate for the petitioner further adds that there are previous cases between the parties and this case was instituted to harass the petitioner.

The learned advocate appearing on behalf of the State produces the case diary and draws attention of this court to the injury report as well as the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

We have assessed the materials on record, more particularly, the statement of the young girl recorded under Section 164 of the Code as also the injury report so available. On analysis of the same, we are of the opinion that although a case has been made out for investigation, the same does not warrant custodial detention of the present petitioner. As such, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest of the petitioner, namely, **Sk. Amit Babu @ Arif Babu**, he shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees then thousand) only with two sureties of like amount, one of whom must be local, to the satisfaction of the arresting officer, subject to the conditions as laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure.

The application for anticipatory bail being C.R.M. 9763 of 2020 is disposed of.

dc & dns (**Tirthankar Ghosh, J.)**

(**Subrata Talukdar, J.)**