

11.12.2020
Sl. No.66
akb
[ALLOWED]

C. R. M. 10211 of 2020 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Santiniketan Police Station Case No. 126 of 2020 dated 18.08.2020 under Sections 448/376D/511/354B of the Indian Penal Code.

And

In Re: **Akshay Nath & Ors.**

... .. Petitioners

Mr. Debabrata Das Gupta .. Advocate

... .. for the petitioners

Ms. Faria Hossain .. Advocate

Ms. Sonali Das .. Advocate

... .. for the State

We have examined the statements of witnesses including the victim recorded under Section 164 of the Code of Criminal Procedure, 1973. It appears that the incident occurred in the course of a quarrel and a free fight ensued. We are of the opinion that mens rea to sexually assault the victim is to be assessed in the light of the nature of altercation. Under such circumstances, we are inclined in granting anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the accused/petitioners, namely **(1) Akshay Nath (2) Tarun Hazra, (3) Rakesh Hazra @ Laden, (4) Shyamal Nath and (5) Suresh Bairagya,** 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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)