

16.12.2020
tkm
sl no. 159

**C.R.M. 10413 of 2020
(via video conference)**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kushmandi P.S case no. 65 of 2020 dated 3.8.2020 under section 341/323/376/506/34 of the Indian Penal Code

And

Allowed

In Re : Saddam Hossain & Anr.

..... petitioners

Mr. M H Chowdhury

..... for the petitioners

Mr. B Panda

Mr. S Bhakat

..... for the State

It is submitted on behalf of the petitioners that there are case and counter case between the parties.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that petitioner no. 1 ravished the victim lady.

We have examined the statement of the victim lady recorded under section 164 Cr.P.C which prima facie implicates petitioner no. 1 in the alleged rape.

Hence, we are not inclined to grant anticipatory bail to him.

However, possibility of false implication of petitioner no. 2 in the alleged crime cannot be wholly ruled out due to prior enmity.

Hence, we are inclined to grant anticipatory bail to petitioner no. 2.

Accordingly, we direct that in the event of arrest, the petitioner no. 2 shall be released on bail upon furnishing a bond of Rs. 10,000/- 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 being CRM 10413 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)