

19.01.2021
Item No.214
Ct.No.28
s.d.
Allowed

C.R.M. 229 of 2021
(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438
of the Code of Criminal Procedure.

And

In the matter of : Sariful Golder. ... Petitioners.

Mr. Angshuman Chakraborty
Mr. S. S. Saha

... For the Petitioners.

Mr. Bidyut Kumar Roy
Ms. Rita Datta

... For the State.

Apprehending arrest in connection with Muchipara
Police Station Case No. 222 of 2020 dated 12-12-2020 under
Sections 376/417 of the Indian Penal Code, the present
application for anticipatory bail has been filed.

Learned advocate appearing for the petitioner
submits that the petitioner is innocent of charges and he has
been falsely implicated in the present case without any
rhyme and reasons. Learned advocate for the petitioner
additionally submits that the victim is 25 years old and the
petitioner is 37 years old.

Learned advocate for the State opposes the prayer
for anticipatory bail of the petitioner and draws the attention

of this court to the statement recorded under Section 164 of the Code of Criminal Procedure.

We have perused the statement of the witnesses as well as the statement of the victim under Section 164 of the Code of Criminal Procedure and we have found that the relationship was for a considerable period of time.

In our opinion, the custodial interrogation of the petitioner may not be warranted in the facts and circumstances of the case and as such the prayer for anticipatory of the present petitioner is allowed.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties of like amount each, one of whom must be local, 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.

The application for anticipatory bail, being CRM 229 of 2021 is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)