

19.01.2021
Item No.217
Ct.No.28
s.d.
Allowed

C.R.M. 239 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 : Peshkar Ali @ Sk. Peshkar Alipetitioner.

Mr. Soupal Chatterjee

... For the Petitioner.

Mr. Shiladitya Banerjee

... For the State.

Apprehending arrest in connection with Chanchal Police Station Case No. 1033 of 2020 dated 07-11-2020 under Sections 448/376/506/307/34 of the Indian Penal Code, the present application for anticipatory bail has been filed.

Learned advocate appearing for the petitioner submits that the present petitioner is innocent of the charges and he has been falsely implicated in the instant case.

Learned advocate for the petitioner additionally submits that there are case and counter-case between the parties.

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

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

On query from this court, the learned advocate for the State draws the attention of this court to the statement of the victim wherein she has refused to undergo medical examination.

Having regard to the materials available in the case diary as well as the statement of the victim recorded under Section 164 Cr.P.C and on a cumulative assessment, we are of the opinion that the custodial detention of the petitioner may not be warranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail of the 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.

With the above observations, the application for anticipatory bail, being CRM 239 of 2021 is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

