

21.01.2021
Court No.28
Item No. 157
Krishnendu
ALLOWED

C.R.M. 275 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Tarik Aktar**

.....Petitioner

Mr. Sagar Saha

....For the Petitioner

Mr. Ranadeb Sengupta

.....For the State

Apprehending arrest in connection with Harishchandrapur Police Station Case No. 748 of 2020 dated 30.10.2020 under sections 376/324 of the Indian Penal Code, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that the complaint was lodged three days after the alleged incident. There was a partition suit among the parties and as an order passed in the same went in favour of the petitioner, the complaint was lodged by the de facto complaint falsely implicating him. In view thereof, the custodial detention of the petitioner is not necessary.

Mr. Sengupta, learned advocate appearing for the State opposes the prayer for anticipatory bail and draws our attention to several documents in the case diary, including the statement of the complainant recorded under section 164 of the Code of Criminal Procedure. He submits that investigation is not yet complete.

Having heard the learned advocates appearing for the respective parties and upon considering the materials in the case diary, the nature of allegations and the injury report, we are of the opinion that custodial detention of the petitioner is not necessary.

Accordingly, we allow the application and direct that in the event of arrest the petitioner, namely **Tarik Aktar**, shall be released on bail upon furnishing a bond of Rs.10,000/- 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 and on further condition that the petitioner shall meet with the Investigating Officer of the case once a week on and from 25th January, 2021 until further orders.

The application for anticipatory bail, being CRM No. 275 of 2021, is, thus, disposed of.

(Tirthankar Ghosh, J.)
Chakraborty, J.)

(Tapabrata