

03.02.2021

Item no.327
Court No.28
Avijit Mitra

C.R.M. 386 of 2021 (through video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Ranibandh Police Station Case No.39 of 2020 dated 26.11.2020 under Sections 448/376/506 of the Indian Penal Code and Section 66E/67A of the Information Technology Act;
And

In Re : Sk. Ayub Ali

.... petitioner

Mr. Soumik Ganguli

....for the petitioner

Mr. Tapan Deb Nandi,

Mr. Antarikhya Basu

..... for the State

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. There is absolutely no material on record which would depict the involvement of the petitioner in the alleged offence. In view thereof, custodial detention of the petitioner is not warranted.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim lady as recorded under Section 164 of the Code of Criminal Procedure.

Having heard the learned advocates and considering the materials in the case diary, the statement of the victim lady under Section 164 of the Code of Criminal Procedure and the nature of allegations, we are of the opinion that custodial detention of the petitioner is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only) each, 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 being C.R.M. 386 of 2021 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)