

CRM 735 of 2021

In re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Basirhat Police Station Case No. 148/2020 dated 31.01.2020 under Section 376 of the Indian Penal Code.

In the matter of : **Narayan Dhali**

..... petitioner

Mr. Safdar Azam

....For the petitioner

Mr. T. D. Nandi

Mr. Antarikhya Basu

.....For the State

The learned advocate for the petitioner submits that a complaint was filed after four years of alleged incident. Additionally, he submits that embellishment issues and wrongful and manufacturing statements thereby implicating the present petitioner out of family disputes.

Learned advocate for the State produces the case diary and prays that the statement of the victim was recorded under Section 164 of the Code of Criminal Procedure.

We have perused the materials on records, more particularly, the complaint, the nature of allegation as also the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. Having regard to the nature of allegations made therein, we are of the opinion that custodial detention may not be warranted in the facts and circumstances of this case.

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 735 of 2021, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)