

13.04.2021
SL No.268
Court No.28
(gc)
(Allowed)

CRM 839 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Nazat Police Station Case No.205 of 2020 dated 10.11.2020 under Sections 493/376/420 of the Indian Penal Code.

And

In the matter of : **Biswanath Mondal**

- Petitioner

Mr. Subhadeep Ghosh,
... For the Petitioner.

Mr. Anwar Hossain,
Mr. Bitasok Banerjee,
Ms. Sreyashee Biswas,
... For the State.

Learned Advocate for the petitioner submits that the petitioner is a visually handicapped person and has been falsely implicated in the instant case.

Mr. Bitasok Banerjee, learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that the victim has lost her money and was also ravished by the present petitioner.

We have perused the materials in the case diary including the statement under Section 164 of the Code of Criminal Procedure which reflects that a relationship was established between the victim and the present petitioner. Having regard to the nature of allegations, we are of the opinion that the custodial detention of the petitioner is unwarranted. As such, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner 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 he shall meet with the Investigating Officer once a week on and from 20.04.2021 until further orders.

With the aforesaid observation, the application for anticipatory bail, being CRM No.839 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.)