

24.11.2021
Court No.32
Item No. 111
Krishnendu
Allowed

**C.R.M. 1554 of 2021
(Via Video Conference)**

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

In re: **Roni Sk.**

Petitioner

Ms. Minoti Gomes
Md. Hafiz Ali

For the Petitioner

Mr. Narayan Prasad Agarwala
Mr. Ashok Das

For the State

Apprehending arrest in connection with Burwan Police Station Case No. 287 of 2020 dated 03.10.2020 under Sections 376/511/323/325 of the Indian Penal Code, the present application has been preferred.

Ms. Gomes, learned advocate appearing for the petitioner submits that there was a dispute amongst the family members and the petitioner has been falsely implicated. No overt act has been attributed to the petitioner and the ingredients of section 376 of the Indian Penal Code do not stand satisfied against the petitioner. In the said conspectus, custodial interrogation of the petitioner is not warranted.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement

of the victim, as recorded under section 164 of the Code of Criminal Procedure.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the statement of the victim lady, as recorded under section 164 of the Code of Criminal Procedure and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not necessary. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, in the event of arrest the petitioner, namely, **Roni Sk.**, shall be released on bail upon furnishing two registered sureties of Rs.5,000/- each, to the satisfaction of the Arresting Officer subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and with a further condition that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever .

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned Trial Court would be at liberty to cancel his bail without any further reference to this Court.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 1554 of 2021, is disposed of.

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

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)