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21-05-2021

Court 28

**C.R.M. 1773 of 2021
(Via Video Conference)**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with New Town Police Station Case No. 03 of 2021 dated 09.01.2021 under sections 341/326/307/34 of the Indian Penal Code.

Ankur Ray @ Aman Rahaman & Anr.
Versus
State of West Bengal & Ors.

Allowed

Mr. Moyukh Mukherjee, Adv.

...for the petitioner.

Mr. Madhusudan Sur, Adv.

Mr. Manoranjan Mahata, Adv.

...for the State.

It is submitted on behalf of the petitioners that the petitioners lodged a complaint against the de-facto complainant and others in November, 2020 and the present complaint has been lodged as a counter blast to the earlier complaint. The petitioners are the Professors of a renowned College and have been falsely implicated.

The learned Counsel for the State refers to the case diary including the statement of the victim before the Doctor recorded in the injury report and opposes the prayer for anticipatory bail.

It appears that the petitioners lodged a complaint against the de-facto complainant and others on 17th November, 2020. The present complaint has been lodged on 9th January, 2021 in connection with the self same incident as in the previous complaint.

Having considered the materials available on record, nature of injury sustained by the victim as well as the extent of complicity of the petitioners in the alleged crime and also keeping in mind that a counter case relating to the self same incident is pending, we are inclined to hold that custodial interrogation of the petitioners may not be required and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioners namely, Ankur Ray @ Aman Rahaman and Sabiha Khan, shall be released on anticipatory 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 petitioners shall cooperate with the investigation of this case.

The application for anticipatory bail of the petitioners is allowed.

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

(Suvra Ghosh, J.)

(Soumen Sen, J.)