

26.08.2021.
283.
As/Akd
(Allowed)

**C.R.M. 2073 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Harishchandrapur P.S. Case No.122 of 2016 dated 03.04.2016 under Sections 363/366(A) of the Indian Penal Code.

In the matter of : Rabbul.

... Petitioner.

Ms. Sujata Das.

.....for the Petitioner.

Mr. Shiladitya Banerjee.

.....for the State.

Apprehending arrest in connection with Harishchandrapur P.S. Case No.122 of 2016 dated 03.04.2016 under Sections 363/366(A) of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

It is submitted by the learned Advocate for the petitioner that the said case has been inflicted upon him without any reason and rhyme and out of previous enmity.

The learned Advocate for the State opposes the prayer for anticipatory bail and hands over the Case Diary which contains the statement of the victim girl.

After hearing the respective submissions and on perusal of the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure and considering the fact that the charge sheet has already been filed, we do not find any justification in custodial interrogation of the petitioner

Accordingly, we direct that in the event of arrest the petitioner shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local subject to the

satisfaction of the arresting officer and on condition that he shall attend the trial court on every date of hearing until further orders and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

In the event, the petitioner fails to do so without any justifiable cause, the trial court shall be at liberty to pass an appropriate order in accordance with law without any further reference to this Court.

This application for anticipatory bail is, thus, allowed.

The application for anticipatory bail, being CRM 2073 of 2021, is thus disposed of.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)