

15.09.2021
Item no.71.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 2710 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 15.03.2021 in connection with Pukhuria Police Station Case No.396 of 2019 Dated 21.09.2019 under Sections 448/376/511/34 of the Indian Penal Code

And

In the matter of : Nayem Ali

.....Petitioner.

Mr. Soupal Chatterjee,
Ms. Pramita Banerjeefor the Petitioner.

Mr. Neguive Ahmed, Id. APP,
Md. Anowar Hossain,
Ms. Amita Gaurfor the State.

The petitioner is one out of three accused persons. One of the accused persons has been granted bail after being arrested, by the learned Trial Court.

The allegation is that the accused persons ravished the victim lady. The petitioner says that the allegation is palpably false. He has been falsely implicated.

We have seen the statements of the victim recorded under Sections 161 and 164 of the Code of Criminal Procedure. In the statement recorded under Section 164 of the Code, she said that she was actually raped by the accused persons. However, in her statement recorded under Section 161 of the

Code of Criminal Procedure, she retracted and said that she was not actually ravished. She had made an incorrect statement to make the case more serious against the accused persons.

The medical report does not reveal any injury at all. Charge sheet has been submitted.

On an overall assessment of the facts and circumstances of the case and the material on record and the possible extent of complicity of the petitioner in the alleged offence, we are of the view that immediate custodial interrogation of the petitioner may not be necessary.

Accordingly, in the event of arrest, the petitioner, namely Nayem Ali 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.2710 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)

