

CRM 2862 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Chanchal Police Station Case No.978 of 2019 dated 15-11-2019 under Sections 448/376D of the Indian Penal Code.

- A n d -

In the matter of : Sadam Ali @ Ajmal

.... Petitioner.

Mr. Kalidas Saha

... For the Petitioner.

Mr. Md. Anwar Hossain,
Ms. Sreyashee Biswas

... For the State.

The petitioner is one of six accused persons named in the FIR. Learned counsel for the petitioner says that the prime accused being one Sahidul Haque @ Sahidul Islam was taken into custody and has been enlarged on bail by the learned trial Court. He says that he has no direct implication in the alleged offence.

We have seen the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. They are general and omnibus allegations. However, it appears that the allegation of rape is against the aforesaid principal accused, Sahidul Haque @ Sahidul Islam.

On an overall assessment of the material on record and also considering the fact that the victim refused to undergo medical examination, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely, **Sadam Ali @ Ajmal**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer. The petitioner shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 2862 of 2021 is, thus, **allowed**.

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

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**