

29.09.2021
Item no.40
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 3282 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 09.04.2021 in connection with Ratua Police Station Case No. 264 of 2019 dated 04.07.2019 under Sections 448/376/506/468/109 of the Indian Penal Code.

And

In the matter of : Md. Farid Alam.

.....Petitioner.

Ms. Sujata Das, Advocate,

.....for the Petitioner.

Mr. S.S. Imam, Advocate,
Mr. S. Kundu, Advocate,

.....for the State.

The petitioner says that he has been implicated unnecessarily. He has no role to play in the incident.

The allegation is that the principal accused, namely Masud Alam, raped the victim lady and then forced her to give her thumb impression on blank paper which was converted into a purported Nikahnama, a purported evidence of marriage between the victim and the principal accused. The petitioner acted as Moulovi.

We have seen the material in the case diary. The statements of witnesses prima facie, do not directly implicate the petitioner. Charge-sheet has been submitted.

On an overall assessment of the material on record and the facts and circumstances of the case, we are of the view that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner namely **Md. Farid Alam** 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 CRM 3282 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.)

