

08.10.2021
Item no.42
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 3669 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 28.04.2021 in connection with Ratua Police Station Case No. 66 of 2021 dated 13.02.2021 under Sections 376/506/34 of the Indian Penal Code.

And

In the matter of : Anikul.

.....Petitioner.

Mrs. Sujata Das, Advocate,

.....for the Petitioner.

Mr. Tanmay Kr. Ghosh, Advocate,

Mrs. Sima Biswas, Advocate,

.....for the State.

The petitioner says that he has been framed. The complaint is false. The petitioner and the victim are neighbours. There is a long standing dispute between the two families regarding the boundary wall separating their properties. The victim is a married lady. Nothing of the kind has happened as has been alleged by the victim.

We have seen the statement of the victim lady. There are bald and general allegations. The victim lady refused to undergo medical examination. Investigation is going on.

On an overall assessment of the nature and gravity of the allegations and the material on record, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner namely **Anikul** 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 and on further condition that the petitioner shall report to the Investigating Officer once in a fortnight until completion of investigation.

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 3669 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.)

