

08.10.2021
Item no.43
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 3676 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 30.04.2021 in connection with Murutia Police Station Case No. 57 of 2021 dated 25.03.2021 under Sections 376/323/506 of the Indian Penal Code.

And

In the matter of : Akbar Sekh.

.....Petitioner.

Mr. Asraf Mandal, Advocate,
.....for the Petitioner.
Mrs. Sukanya Bhattacharyya, Advocate,
Md. Kutubuddin, Advocate,
.....for the State.

The petitioner seeks anticipatory bail in connection with offence punishable under Sections 376/323/506 of the Indian Penal Code.

Learned advocate for the petitioner submits that no such incident took place as has been alleged and the petitioner has been falsely implicated in this case.

Learned advocate for the State vehemently opposes the bail prayer and submits that as per the statement of the victim there are serious allegations and as such the anticipatory bail prayer should be rejected.

We have heard learned advocates of both the sides and perused the material in the case diary. It appears from the statement of the victim that there are allegations of forceful sexual assault. However, save and except some scratch marks on the face there are no other injuries recorded in the medical report of the victim. Further, after completion of investigation, charge-sheet has been submitted.

In view of the aforesaid, we are inclined to admit the prayer of the petitioner for anticipatory bail.

Accordingly, in the event of arrest, the petitioner namely **Akbar Sekh** 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 3676 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.)