

CRM No.4570 of 2021

Via video conference

30.11.21

(S.R.)
Sl.190
Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Manikchak** Police Station Case No.94 of 2019 dated 25/03/2019 under Sections 493/376 of the Indian Penal Code (G.R. Case No.1181 of 2019);

And

In re: Rinku Momim

... petitioner.

Md. Zeeshan Uddin
Mr. Mazahar Hossain
Ms. Amria Khatoon

... for the petitioner.

Mr. Sandip Chakraborty

...for the State.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The allegation that the petitioner had allured the victim on false promise of marriage is absolutely unfounded. In the said conspectus, custodial interrogation of the petitioner is not warranted.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary including the statement of the victim lady as recorded under Section 164 of the Code and the medical report.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not warranted in the facts and circumstances.

Accordingly, we direct that in the event of arrest the petitioner will 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973

with a further direction that the petitioner shall meet with the investigating officer once in a week on and from 6th December, 2021 until further orders.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel his bail without any further reference to this Court.

The application for anticipatory bail being CRM No.4570 of 2021 is, accordingly, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)