

CRM No.4759 of 2021

Via video conference

03.12.21

(S.R.)

Sl.140

Ct.32

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Ratua** Police Station Case No.654 of 2020 dated 27/12/2020 under Sections 448/376/506 of the Indian Penal Code;

And

In re: Bhadu @ Hayat Ali

... petitioner.

Mr. Kazi Mokhlasur Rahman

... for the petitioner.

Mr. Debabrata Chatterjee, APP

Mrs. Manasi Roy

...for the State.

Mr. Rahman, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The complaint is a counter blast to an earlier complaint lodged by one Parveen Khatun, who is the sister of the present petitioner. The alleged incident occurred on 29th September, 2020 and thereafter, on the basis of an order passed in 156(3) application the present complaint had been registered. In view of the subsisting enmity between the parties, the petitioner has been roped in. In the said conspectus, the petitioner may be granted anticipatory bail subject to any stringent condition.

Mr. Chatterjee, learned Additional Public Prosecutor 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 girl recorded under Section 164 of the Code.

It appears that the alleged incident occurred on 29th September, 2020 and the application under Section 156(3) of the Code was filed on 21st October, 2020. It further appears that on the basis of the complaint lodged by the sister of the petitioner Ratua Police Station Case No.423 of 2020 dated 14th September, 2020 was registered and in the same charge sheet has also been submitted. It also appears from

the records that the victim in the present case refused medical and she is a married lady.

Prima facie, the possibility of implication of the petitioner in view of the previous enmity cannot be ruled out and as such, we are of the opinion that the petitioner may be granted anticipatory bail. However, the petitioner's movement needs to be restricted, as investigation is still in progress.

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 reside outside the jurisdiction of Ratua Police Station save and except for meeting with the investigating officer of the case once in a week on and from 10th December, 2021 till the investigation is complete.

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.4759 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.)

