

18.02.2021
Court No.28
Item No. 146
Krishnendu
Allowed

**C.R.M. 8698 of 2020
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438
of the Code of Criminal Procedure ;
And

In Re : **Hasan Ali**

....Petitioner.

Ms. Minoti Gomes
Mr. Kaushik Biswas

....for the Petitioner.

Mr. Ranobir Roy Chowdhury
Mr. Mainak Gupta

... for the State.

Apprehending arrest in connection with Ratua P. S. Case
No. 342 of 2020 dated 27.07.2020 under Section 376B of the
Indian Penal Code, the petitioner has filed the present
application.

Ms. Gomes, learned advocate for the petitioner submits
that the petitioner has been falsely implicated in the instant
case after he was granted bail in connection with Ratua P.S.
Case No. 608 of 2019 under Sections 498A/325/308/34 of the
Indian Penal Code. The learned advocate further submits that
the petitioner is innocent of the charges and with an ulterior
motive, the complainant is trying to take vengeance upon the
present petitioner.

Mr. Roy Chowdhury, learned advocate appearing for the
State produces the case diary and draws the attention of this

Court to the statement of the victim recorded under section 164 of the Code of Criminal Procedure.

We have assessed the materials appearing in the case diary, including the statement of the victim recorded under section 164 of the Code of Criminal Procedure. Having regard to the materials so available, we are of the opinion that custodial detention of the petitioner may not be warranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, in the event of arrest the petitioner, viz. **Hasan Ali**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM 8698 of 2020, is, thus, disposed of.

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

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)