

18.02.2021
Court No.28
Item No. 147
Krishnendu
Allowed

**C.R.M. 9005 of 2020
(Via Video Conference)**

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

In Re : Amirul Islam

....Petitioner.

Mr. Soumya Basu Roy Chowdhury

....for the Petitioner.

Mr. S.S. Imam

Mr. Subrata Roy

... for the State.

Apprehending arrest in connection with English Bazar Women P. S. Case No. 83 of 2020 dated 03.09.2020 under Sections 376/506/323 of the Indian Penal Code, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that the petitioner has been complying with the earlier direction passed by a co-ordinate Bench of this Court on 17th December, 2020. Additionally, the learned advocate submits that he has been falsely implicated in the instant case pursuant to a complaint being lodged with English Bazar Women Police Station. According to the learned advocate, the petitioner is innocent of the charges and is willing to co-operate with the investigation and will abide by any direction imposed by this Court.

The learned advocate appearing for the State produces the case diary and draws the attention of this Court to the

statement of the victim. However, no complaint has been made by the learned advocate for non co-operation with the conditions so imposed by the earlier order passed by the co-ordinate Bench.

We have assessed the materials of both the cases as also the statement of the victim and having regard to the materials appearing against the present petitioner, we are inclined to extend the privilege of anticipatory bail to the petitioner. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, in the event of arrest the petitioner, viz. **Amirul Islam**, 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 9005 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.)