

04.03.2021
Item no.17
Court No.28
Avijit Mitra

C.R.M. 10377 of 2020 (through video conference)

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.538 of 2020 dated 28.11.2020 under Section 376 of the Indian Penal Code;

And

In Re : Abdul Khabir

.... Petitioner

Ms. Minoti Gomes

...for the petitioner

Ms. Sukanya Bhattacharya,

Ms. Benozir Hasna

...for the State

Learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated in the alleged offence. The *de facto* complainant is a married lady and she refused medical. In the said conspectus, the custodial interrogation of the petitioner is not necessary.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the victim girl under Section 164 of the Code. However, it is not in dispute that the *de facto* complainant refused medical.

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 of the petitioner herein is not warranted.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Abdul Khabir**, shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- each 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..

Accordingly, the application being C.R.M. No. 10377 of 2020 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)