

25.02.21 In re: An application for anticipatory bail under Section 438 of the
(S.R.) Code of Criminal Procedure filed in connection with **Kharagpur (Local)**
Sl.41 Police Station Case **No.08 of 2020** dated **05.01.2020** under Sections
Ct.28 **363/365/34** of the Indian Penal Code and Section **6** of the POSCO
Act, 2012;

And

In re: Sk. Azhar Ali @ Sk. Azhar

... petitioner.

Mr. Uttam Kr. Bhattacharyya

... for the petitioner.

Mr. Narayan Prasad Agarwala

Mr. Ashok Das

...for the State.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. There are no incriminating materials on record against the petitioner. No overt act has been attributed to the petitioner. He is the brother of the principal accused, namely, Sk. and he does not reside with his brother. In view thereof, custodial interrogation of the petitioner is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and particularly, the statement of the victim girl recorded under Section 164 of the Code, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sk. Azhar Ali @ Sk. Azhar** shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount, 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 for anticipatory bail being CRM No.10670 of 2020, is allowed.

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.)

