

25.02.2021
Court No.28
Item No. 42
Krishnendu
Allowed

**C.R.M. 10673 of 2020
(Via Video Conference)**

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

And

In re: Asish Sanpui @ Asish Sanfui

Petitioner

Mr. Sumanta Chakraborty

For the Petitioner

Mr. Bidyut Kumar Roy

Ms. Rita Datta

For the State.

Apprehending arrest in connection with Regent Park P. S.
Case No. 177 of 2020 dated 05.09.2020 under Sections
376/384/506 of the Indian Penal Code, the petitioner has filed
the present application.

The learned advocate for the petitioner submits that the
petitioner has been falsely implicated in the instant case on a
distorted set of facts. The learned advocate additionally
submits that there was an existing relationship between the
petitioner and the complainant and thereafter when there was
bitter terms, the instant case was initiated at the instance of
the complainant. The petitioner submits that on any condition
he may be released on anticipatory bail.

The learned advocate appearing for the State opposes the
prayer for anticipatory bail and draws the attention of this
Court to the statement of the victim recorded under section

164 of the Code of Criminal Procedure as also the seizure list which was prepared by the Investigating Officer of the case.

We have perused the materials on record and appreciated the same. On an assessment of the facts, we find that there was an existing relationship of four years between the petitioner and the complainant and having regard to the same, 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. **Asish Sanpui @ Asish Sanfui**, 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 petitioner is directed to co-operate with the Investigating Officer of the case and meet him once a week on and from 1st March, 2021 until further orders.

The application for anticipatory bail, being CRM 10673 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.)