

09.03.2021
Court No.28
Item No. 128
Krishnendu
Allowed

**CRM 10714 of 2020
(Via video Conference)**

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

And

In Re : **Sankar Saha**

Petitioner

Mr. Dhiraj Trivedi
Mr. Ajit Kumar Mishra

For the Petitioner

Mr. Abhra Mukherjee
Mr. Dipankar Mahata

For the State

Apprehending arrest in connection with Ghola P.S. Case No. 530 of 2020 dated 01.11.2020 under section 365 of the Indian Penal Code, the petitioner has filed the present application.

Mr. Trivedi, learned advocate appearing for the petitioner submits that the petitioner has been victimized due to a political vendetta. No overt act has been attributed to the petitioner and the allegations levelled against him are absolutely unfounded. In the said conspectus, custodial interrogation of the petitioner is not warranted.

Mr. Mukherjee, learned advocate appearing for the State opposes the petitioner's prayer for anticipatory bail and draws our attention to the statement of the victim lady, as recorded under section 164 of the Code of Criminal Procedure.

Having heard the learned advocates appearing for the respective parties and considering the nature of allegations, the statement of the victim lady recorded under 164 of the Code of

Criminal Procedure and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that the custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Sankar Saha**, 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 No. 10714 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.)