

09.03.2021
Item no.132
Court No.28
Avijit Mitra

C.R.M. 10841 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 Habibpur Police Station Case No.358 of 2020 dated 10.10.2020 under Sections 328/376/506 of the Indian Penal Code;
And

In Re : Pravat Saha

.... Petitioner

Mr. Paras Bhattacharya,
Mr. Kazi M. Rahman

...for the petitioner

Mr. N.P. Agarwala,
Mr. Ashok Das

...for the State

Ms. Soma Chowdhury

...for the *de facto* complainant

Mr. Bhattacharya, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated and the complaint has been lodged about 14 days after the alleged incident. The complainant is a married woman and in view of the nature of allegations custodial interrogation of the petitioner is not necessary.

Learned advocate appearing for the State opposes the petitioner's prayer and submits that investigation is still continuing.

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 is not warranted in the facts and circumstances of the present case.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Pravat Saha**, 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 and on further condition that the petitioner shall meet with the investigating officer once in a week on and from 20th March, 2021 until further orders.

Accordingly, the application being C.R.M. No. 10841 of 2020 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)