

09.03.2021
Item no.134
Court No.28
Avijit Mitra

C.R.M. 10843 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 Islampur Police Station Case No.552 of 2020 dated 02.10.2020 under Sections 448/376 of the Indian Penal Code;

And

In Re : Md. Rentu Sk.

.... Petitioner

Mr. Ali Ahasan Alamgir

...for the petitioner

Mr. Subroto Roy

...for the State

The learned advocate appearing for the petitioner submits that the petitioner is the neighbour of the *de facto* complainant who is a married lady. The FIR was registered about 22 days after the alleged incident on the basis of an order passed in an application under Section 156(3) of the Code of Criminal Procedure. The petitioner has been falsely implicated. In view thereof, custodial interrogation of the petitioner is not necessary.

Mr. Roy, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim as recorded under Section 164 of the Code.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and the extent of the 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, **Md. Rentu Sk.**, 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 since investigation is in progress.

Accordingly, the application being C.R.M. No. 10843 of 2020 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)