

09.03.2021

Court No.28
rpan /143

C.R.M. 10855 of 2020

(Via Video Conference)

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

And

In Re : **Jasimuddin Sk**

- Petitioner

Mr. Mritunjay Chatterjee,

Mr. Md. Golam Nure Imrohi

... For the Petitioner.

Mr. Iqbal Kabir

... For the State

Apprehending arrest in connection with Kaliachak P .S. Case No. 637 of 2020 dated 22.08.2020 under Sections 363/365/376/417 of the Indian Penal Code, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that the allegations levelled against the petitioner are unfounded and he has been falsely implicated. In the said conspectus, 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 the statement of the victim, who is more than 25 years old, 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, the statement of the victim lady, as recorded under Section 164 of the Code 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 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, **Jasimuddin Sk**, 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. 10855 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.)