

CRM (A) 239 of 2022
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Syed Hepjur Rahaman**
@ Syed Hefjur Rahaman
..... petitioner

Mr. Bikash Ranjan Bhattacharya
Mr. Sourav Chatterjee
Mr. Goutam Banrjee
Mr. Kamal Mishra

.....For the petitioner

Md. Anwar Hossain
Mr. Arif Ekbal Molla

.....For the State

Apprehending arrest in connection with Kotwali Police Station Case No. 546 of 2021 dated 18.09.2021 under Sections 448/354B/376 of the Indian Penal Code, the present application has been preferred.

Mr. Bhattacharya, learned senior advocate appearing for the petitioner submits that the petitioner has been falsely implicated due to political rivalry. The alleged incident occurred on 7th August, 2021 whereas the application under Section 156(3) of the Indian Penal Code was preferred about 16 days thereafter on 23rd August, 2021. The delay does not stand explained. In the said conspectus, custodial interrogation of the petitioner may not be necessary.

Mr. Hossain, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the witnesses, as recorded under Section 161 of the Code and the injury report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that the incident occurred in the parental house of the victim. Considering the statements of the witnesses, as recorded under Section 161 of the Code, particularly, that of the husband of the victim, the injury report, the nature of accusations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary. However, his movement needs to be restricted.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Syed Hepjur Rahaman @ Syed Hefjur Rahaman** 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 with a further condition that the petitioner shall not enter the jurisdiction of Kotwali Police Station, District – Paschim Medinipur where the victim is residing save and except for meeting with the Officer-in-

Charge of Kotwali Police Station once a week till investigation is complete. He shall also intimate the address where he would be residing to the said Officer-in-Charge of Kotwali Police Station.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 239 of 2022, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)