

CRM(A) No.477 of 2022

Via video conference

03.03.22

(S.R.)

Sl.18

Ct.32

Allowed

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Raiganj** Women Police Station Case No.17 of 2020 dated 25.01.2020 under Sections 341/376/109/506/34 of the Indian Penal Code;

And

In re: Hayad Ali

... petitioner.

Mr. Kaushik Chaudhury

Ms. Bursa Khatun

... for the petitioner.

Mr. S.G. Mukherjee

Mr. Aniket Mitra

...for the State.

Mr. Chaudhury, learned lawyer appearing for the petitioner submitted that charge sheet has been filed. Custodial detention is not necessary. The present petitioner is not the principal accused. The principal accused is on bail. The present petitioner is roped falsely without any basis. Accordingly, he prayed for anticipatory bail on any stringent condition.

Mr. Mitra, learned lawyer appearing for the State admitted that the principal accused is on bail. He also submitted that charge sheet has been filed but inviting our attention to the statements of the witnesses and, particularly, the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, he submitted that strong incriminating elements are there against the present petitioner who had complicity in the alleged offence. Accordingly, he opposed grant of anticipatory bail.

We have heard rival submissions and perused the case diary. The name of the present petitioner, appeared in the statement of one witness alleging that he helped the principal accused to perpetrate the offence. Even his name does not figure in the statement of the victim

girl or other witnesses except one. No overt act has been attributed to the present petitioner. Charge sheet has been submitted for which custodial detention is not necessary.

Accordingly, we direct that in the event of arrest the petitioner will 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 attend the Learned Court below on all the dates, as specified for hearing.

It is further directed that the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the Learned Trial Court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being CRM(A) No.477 of 2022 is, accordingly, 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.)