

15.03.2022
Item no. 17
Court No.32
Avijit Mitra

C.R.M.(A) 640 of 2022

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

And

In Re : Hanif Ali

.... Petitioner

Ms. Minoti Gomes,
Mr. Kousik Biswas

...for the petitioner

Mr. N.P. Agarwala,
Mr. Pratick Bose

....for the State

Apprehending arrest in connection with Harishchandrapur Police Station Case No.630 of 2021 dated 23.08.2021 under Sections 363/365 of the Indian Penal Code, the present application has been preferred.

Ms. Gomes, learned advocate appearing for the petitioner submits that there was a consensual relationship between the petitioner and the victim girl. She willingly left her paternal house and accompanied the petitioner. Subsequently the father of the victim girl lodged the present complaint to falsely implicate the petitioner. Upon completion of investigation chargesheet has also been submitted and as such, custodial interrogation of the petitioner may not be necessary.

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

Heard the learned advocates appearing for the respective parties.

It appears that the victim girl refused medical examination. Considering the nature of accusations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that his custodial interrogation is not necessary more so when, upon completion of investigation chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Hanif Ali**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties of like amount each, 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 petitioner shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioner shall not intimidate the witnesses and/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.

Accordingly, the application for anticipatory bail being C.R.M.(A) 640 of 2022 is 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.)