

Court No. 11

CRM 6653 of 2020

CRAN 1 of 2020

16.09.2020

(dl. 41)

(S. Banerjee)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Murutia Police Station Case No. 188 of 2020 dated 13.08.2020 under Sections 448/323/354B of the Indian Penal Code.

Allowed

And

In the matter of: Ekem Sekh

...petitioner

Mr. Asraf Mandal, Ld. Advocate

... for the petitioner

Mr. Imran Ali, Ld. Advocate

Mr. M. F. A. Begg, Ld. Advocate

... for the State

Having heard the learned advocate for the petitioner and the learned Public Procetor-in-charge and on perusal of the entire material on record and specially the statement of the victim under Section 164 of the Code of Criminal Procedure, it is ascertained that both the petitioner and the victim are major. There was physical relationship with the victim about 3/4 months back prior to 13th August, 2020. But the defacto complainant did not lodge any complaint against the petitioner. Thus suggests a lot prima facie about a consensual relationship between the petitioner and the defacto complainant.

Under such circumstances, we are of the view that custodial interrogation in this matter is not necessary for the purpose of investigation.

Accordingly in the event of arrest the petitioner may find bail of Rs. 10,000/- (Rupees ten thousand only) with two sureties each of like amount, one of whom shall be a local surety to the satisfaction of the arresting authority subject to the condition contained in Section 438(2) of the Code of Criminal Procedure with further condition that they will file an affidavit stating their present address before the investigating officer and shall not leave the jurisdiction of the police station without the order of the learned trial court.

CRM 6653 of 2020 and CRAN 1 of 2020 are disposed
of.

(Samapti Chatterjee, J.)

(Bibek Chaudhuri, J.)