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CRM No. 7022 of 2020

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CRAN 1 of 2020

(Via video conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Baishnab Nagar Police Station Case No. 407 of 2020 dated 06.08.2020 registered for investigation into offences punishable under Sections 363/365 of the Indian Penal Code.

And

In the matter of : Mafijul Sk @ Mafijul Hossain & Ors.

... Petitioners

Mr. Jakir Hossain

.. for the petitioners

Ms. Faria Hossain

Mr. Pratick Bose

..for the State

The petitioners undertake to affirm and stamp the petition as per the Rules within one month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking. Accordingly the application being CRAN 1 of 2020 stands disposed of.

Learned counsel for the petitioners submits that out of a love relationship the petitioner No. 3 got himself married to the daughter of the *de facto* complainant to

the disallowance of the *de facto* complainant. The *de facto* complainant in order to harass the petitioners has lodged this false complaint.

Learned counsel for the State however, opposes the prayer for anticipatory bail. It is submitted that the girl is minor and no marriage in law would have taken between the petitioner No. 3 and the minor girl. It is further submitted that there could not be any reason for the petitioners not to produce the victim before the learned Judicial Magistrate for recording her statement under Section 164 of the Code of Criminal Procedure.

Considering the materials on record and the involvement of the petitioners in the commission of offence, we are inclined to grant anticipatory bail to the petitioner Nos. 1 and 2 (namely Mafijul Sk @ Mafijul Hossain and Motiur Rahaman) being the father and brother of the principal accused (petitioner No. 3 herein).

So far as the prayer for anticipatory bail of the petitioner No. 3 namely Abdul Latif is concerned, the same is rejected.

Accordingly, in the event of arrest, the petitioner Nos. 1 and 2 will be enlarged on bail upon furnishing security of Rs.10,000/- each, with two sureties each of like amount, one of whom must be local, to the satisfaction of the arresting officer subject to the condition that the petitioner Nos. 1 and 2 shall meet the investigating officer of the case once a week.

The petitioners will also abide by the conditions laid down in Section 438(2) of the Code.

CRM 7022 of 2020 is disposed of.

(Soumen Sen, J.)

(Saugata Bhattacharyya, J.)