

27.11.2020

BP/BR
SL.41

CRM 9436 of 2020

(Via Video Conference)

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Mathabhanga Police Station Case No. 416 of 2020 dated 07.10.2020 under Sections 376(f)(n)/313/325/324 of the Indian Penal Code.

In the matter of : Sahidul Kaji.....petitioner

Md. Sabir Ahmed
Mr. Mujibar Ali Naskar
Mr. A. Saha
..for the petitioner.

Mr. Aditi Shankar Chakraborty
..for the State.

The petitioner undertakes to appropriately 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.

It is submitted by the learned advocate for the petitioner that out of love affairs between the petitioner and victim girl, the victim girl was pregnant though the victim girl is married one, 34 years of age.

Learned advocate for the State opposes the prayer for bail and submits that being influenced by the petitioner the victim girl was four time pregnant by

the petitioner and she was compelled to abort each time as advised by the petitioner.

Considering the submissions as advanced by the learned advocates for the parties and after perusing the case diary, we find that the victim girl is married one, 34 years of age and out of love affairs she was pregnant for four time. Therefore, in the present case, the custodial interrogation of the petitioner is not required. The petitioner should be granted anticipatory bail.

Accordingly, we allow the prayer for anticipatory bail.

In the event of arrest, the petitioner shall be released on bail upon furnishing bond of Rs. 10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, before the concerned court in Cooch Behar of the case.

The aforesaid order shall be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail being C.R.M. 9436 of 2020 is disposed of.

(Samapti Chatterjee, J.)

(Kausik Chanda, J.)

