

08.12.2020
SI. No.45
akd
[ALLOWED]

C. R. M. 9910 of 2020 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 26.11.2020 in connection with Pandua Police Station Case No. 161 of 2020 dated 06.07.2020 under Sections 366/325/506/34/376 of the Indian Penal Code. (G.R. Case No.864 of 2020)

And

In Re: ***Jafar @ Jafor Ali Sekh @ Jafar Ali Sk. & Anr.***

... .. Petitioners

Mr. Tapodip Gupta .. Advocate

... .. for the petitioners

Mr. Saswata Gopal Mukherjee .. Ld. Public Prosecutor

Mr. Aniket Mitra .. Advocate

... .. for the State

It is submitted on behalf of the petitioners that there was a love affair between the parties and they have been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that victim was abducted and forcibly raped.

We have considered the materials on record including the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. We note that the victim had been married to the petitioner at the behest of one of her relations. Whether such act was forcible or not may be assessed at the appropriate stage of the proceeding. However, in the facts and circumstances of the case and as the victim girl has already been recovered, we are of the opinion that custodial interrogation of the accused/petitioners is not necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioners, namely (1) ***Jafar @ Jafor Ali Sekh @ Jafar Ali Sk. & (2) Najir @ Najer Ali Sekh @ Nafir Ali Sk.***, be released on bail

upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)