

16.12.2020
169
Sdas
allowed

**CRM 10434 of 2020
(via video conference)**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Suti P.S. Case No. 536 of 2020 dated 07.11.2020 under Sections 448/376/506 of the Indian Penal Code.

And

In the matter of : Majibur Sk. alias Seikh Majlupetitioner.

Ms. Shabana Hasin

...for the petitioner.

Ms. Faria Hossain

Ms. Baisali Basu

...for the State.

Learned Counsel appearing for the petitioner submits that there was a matrimonial dispute between the defacto complainant and her husband. Petitioner is the brother of the husband of the defacto complainant. Due to dispute she withdrew from her matrimonial home and is residing at her parental home. In view of the aforesaid facts, it is submitted that allegation of forcible rape is patently absurd.

Learned Counsel appearing for the State opposes the prayer for anticipatory bail.

Statement of the victim has been recorded under Section 164 of the Code of Criminal Procedure. There is a matrimonial dispute between the defacto complainant and her husband and other relations including the petitioner. Possibility of genuineness of the allegations relating to forcible rape may be assessed in the light of the aforesaid attending circumstances.

Under such circumstances, we are inclined in granting anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail is, thus, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)