

12.08.2020
(24)
MNS

C.R.M. 5139 of 2020
With
CRAN 3422 of 2020

(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Rajganj Police Station Case No. 78 of 2020 dated 25.06.2020 under Sections 323/417/306/506/34 of the Indian Penal Code.

In the Matter of : Ajidar Rahaman @ Ajjar Rahaman
and another
... petitioners.

Mr. Jaydeep Kanta Bhowmik
...for the petitioners.

Mr. Aditi Shankar Chakraborty,
Mr. Sagnik Sikdar

...For the State.

The petitioners undertake to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. On the basis of such undertaking, the petition is taken up through video conference.

The allegation against the petitioner no. 1 is that he had a love relation with the victim. Subsequently he refused to marry her. On being deprived as such, the victim committed suicide.

Learned advocate for the State submits that the petitioner no. 1 is a Mohamaddan male and he had love relation with a Hindu girl on false personification stating himself to be a Hindu.

However, no such allegation is forthcoming from the FIR. Prima facie, there is no proximate cause between the refusal of marriage by the petitioner no. 1 to the victim girl and commission of suicide by the latter.

In view of the prima facie absence of such ingredient, the petitioners are entitled to be released on anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail on furnishing bond of Rs. 10,000/- (Rupees Ten Thousand) each with one surety of like amount each, to the satisfaction of the arresting officer/investigating officer, subject to the condition as laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure and on further condition that they shall meet the investigating officer of their case once in a week and shall not leave the jurisdiction of the local police station in course of investigation. In breach of any conditions of anticipatory bail, the same shall be cancelled immediately without any further reference to this Court.

CRM 5139 of 2020 and CRAN 3422 of 2020 are disposed of.

(SOUMEN SEN, J.)

(BIBEK CHAUDHURI, J.)

