

CRM 1922 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Chanchal Police Station Case No.1138 of 2020 dated 06.12.2020 under Sections 376(2)L/498A/324/307/379 of the Indian Penal Code.

- A n d -

In the matter of : Meraj Ali & Ors.

.... Petitioners.

Mr. Tanmoy Basu

... For the Petitioners.

Mr. Tanmay Kumar Ghosh, learned Sr. G.A.

Ms. Sima Biswas

... For the State.

The petitioner no. 1 is the husband of the victim. The petitioner no. 2 is the second wife of the petitioner no. 1 and petitioner nos. 3 to 8 are other members of their family.

The allegation against the petitioner no. 1 is that he committed rape upon the victim who is a physically challenged lady. He subsequently married the victim and then again married the petitioner no. 2.

The State refers to the Case Diary and opposes the prayer for anticipatory bail.

We have considered the material on record. The main thrust of allegation is against the petitioner no. 1, who is the husband of the victim.

Having considered the material in the Case Diary and the nature of allegations as well as the facts and circumstances of the case we are inclined to hold that the petitioner no. 1 is not entitled to an order of anticipatory bail. However, in view of the extent of complicity of the petitioner

nos. 2 to 8 in the alleged offence we are inclined to grant anticipatory bail to them.

Accordingly, in the event of arrest, the petitioner nos. 2 to 8 shall be released on bail upon furnishing a bond of Rs. 10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

The application for anticipatory bail being CRM 1922 of 2021 is, thus, partly allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)