

24.09.2021  
Item no.60.  
Court No.32.  
AB  
**(Allowed)**

**(Via Video Conference)**

**CRM No. 3098 of 2021**

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 5.4.2021 in connection with Arambagh Police Station Case No.86 of 2021 Dated 12.03.2021 under Sections 447/376/354/379/511/386/504 of the Indian Penal Code

And

**In the matter of : Syed Masadul Islam @ Syed Masudul Islam**

.....Petitioner.

Mr. Niladri Sekhar Ghosh,  
Ms. S. Mukherjee .....for the Petitioner.

Mr. P. K. Datta, Id. APP,  
Mr. P. Ganguly .....for the State.

The petitioner says that he is a Muslim Marriage Registrar. He had conducted the Khula Talaq (mutual divorce) between the victim and her husband. Thereafter, for whatever reason the victim wanted the petitioner to recall the order of Khula Talaq. The petitioner said that the law did not permit that. Being irked, the victim has lodged this false complaint that the petitioner called her to his chamber and while her mother was waiting outside the chamber, the petitioner ravished her inside the chamber.

We have seen the material on record including the statement of the victim lady recorded under Section 164 of the

Code of Criminal Procedure. There are bald allegations. There is no medical report as regards the victim.

On an overall assessment of the material on record and the possible extent of complicity of the petitioner in the alleged offence, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely Syed Masadul Islam @ Syed Masudul Islam shall be released on bail upon furnishing a bond of Rs.10,000/-, 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.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.3098 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**(Bivas Pattanayak, J.)**

**(Arijit Banerjee, J.)**

