

CRM 3307 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Nazat Police Station Case No.179 of 2020 dated 30-09-2020 under Sections 376/325/307/34 of the Indian Penal Code.

- A n d -

In the matter of : Arijul Rahaman Molla @ Arijul Molla
.... Petitioner.

Mr. Soumyajit Das Mahapatra
... For the Petitioner.

Mr. Navanil De
... For the State.

The petitioner says that the husband of the defacto complainant had received some advance money regarding sale of his land from an intending purchaser. The petitioner was one of the six witnesses to the agreement for sale. Subsequently, the complainant's husband enhanced the price for the land. He refused to complete the deal unless the purchaser paid the enhanced amount. The petitioner tried to persuade the seller that he should stick to the bargain. Being annoyed, this false complaint has been lodged by the seller's wife.

We have seen the material in the Case Diary. The allegation is of rape and causing grievous bodily harm. The victim lady, who is also the complainant, refused to undergo medical examination. Further, it appears that prior to lodging the present complaint, the complainant had met the concerned police officer in connection with a query relating to a proceeding under Section 144 of the Code of Criminal Procedure. At that time also, the complainant did not mention about her grievance against the present petitioner.

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 is not necessary so long as he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely, **Arijul Rahaman Molla @ Arijul Molla**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer. The petitioner shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 3307 of 2021 is, thus, **allowed**.

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

(**Bivas Pattanayak, J.)**

(**Arijit Banerjee, J.)**