

14.12.2021

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Allowed

**C.R.M. 5562 of 2021
(via video conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Domkal Police Station Case No. 172 of 2021 dated 12.04.2021 under Sections 376/417 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re : Alamgir Hossain Molla petitioner

Mr. Anisur Rahman

.....for the petitioner

Mr. S. G. Mukherjee, learned P.P.

Ms. Faria Hossain

Ms. Sonali Das

....for the State

Mr. Sreejeet Basu Roy

.... for defacto complainant

Learned advocate appearing for the petitioner submits there was a love affair between the parties and he has been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for bail. He submits victim is a minor.

We have considered the materials on record. Keeping in mind the nature of allegations in the light of the submission there was a love affair between the parties, we are of the opinion that custodial interrogation of the petitioner may not be necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner shall 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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that the petitioner shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)