

CRM 7062 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. 678 of 2021 dated 18.08.2021 under Sections 341/376/506 of the Indian Penal Code, 1860, Corresponding to G.R. No. 1902/2021, pending before the learned Additional Chief Judicial Magistrate, Chanchal at Malda.

- A n d -

In the matter of : Enamul Hossain @ Enamul Hoque.

.... Petitioner.

Mr. Mritunjoy Chatterjee
Mr. Imdadul Haque
Mr. Sreejeet Basu Roy

... For the Petitioner.

Mr. Rana Mukherjee,
Ms. Kum Kum Mitra

... For the State

It is submitted on behalf of the petitioner that his wife had lodged a criminal case against the husband of the defacto complainant alleging rape. In retaliation, the instant case has been lodged.

Learned lawyer for the state opposes the prayer for anticipatory bail.

We have considered the materials on record including the statement of the victim lady. Allegation of forcible rape is to be assessed in the light of the aforesaid submission that on the previous dates a criminal case was lodged by the wife of the petitioner against the husband of the victim. False implication of the petitioner on such score cannot be wholly ruled out. Under such circumstances,

though we are of the opinion, custodial interrogation may not be necessary, we feel movement of the petitioner requires to be restricted in order to instill confidence in the mind of the victim.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- 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.

Petitioner while on bail shall not enter the jurisdiction of Chanchal and shall report to Officer-in-Charge once in a week within whose jurisdiction he shall reside.

Petitioners shall appear before the court below and pray for regular bail within fortnight from date.

The application being CRM 7062 of 2021 is disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)