

28.06.2021

Court No.30

rpan/ **04**

C.R.M. 8791 of 2020
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Afjal Hossain**

.....Petitioner.

Ms. Shabana Hasin

....For the Petitioner.

Mr. Saibal Bapuli,

Mr. Arijit Ganguly,

Mr. Gautam Wilson

....For the State

Apprehending arrest in connection with Suti Police Station Case No.488 of 2020 dated 10.10.2020 under Sections 498A/307/34 of the Indian Penal Code and 3/4 of the Dowry Prohibition Act, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that there was a love affair between the petitioner and the victim girl. They together approached the Marriage Registrar for registration of their marriage. However, the marriage could not be registered since, according to the Marriage Officer, the petitioner was a minor. The nature of allegations does not warrant custodial interrogation of the petitioner.

Mr. Bapuli, learned advocate appearing for the State submits that the petitioner has complied with the 41A notice. However, the investigation is not yet complete. Let the report, as produced, be kept on record.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and since the petitioner has complied with 41A notice, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Afjal Hossain** shall be released on bail upon furnishing a bond of ₹10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM No. 8791 of 2020, is, thus, disposed of.

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

(Suvra Ghosh, J.)

(Tapabrata Chakraborty, J.)