

26.03.2021
Ct.04
RP 123
Allowed

CRM 11210 of 2020

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Berhampore Police Station Case No.965 of 2013 dated 02.08.2013 under Sections 376/417/323/34 of the Indian Penal Code.

And

In the matter of : Minarul Sk.

.... Petitioner

Mr. Somnath Adhikary

.... For the Petitioner

Mr. Saibal Bapuli

Mr. Arani Bhattacharya

.... For the State

The present application under section 438 of the Code of Criminal Procedure, 1973 filed at the instance of Minarul Sk. is taken up for hearing and order.

It is submitted on behalf of petitioner that there was a love affair between the petitioner and the victim which turned sour and custodial interrogation of the petitioner is not required.

The State produces the case diary and refers to the statement of the victim under Section 164 of Code of Criminal Procedure.

Having considered the statement of the victim it appears that there was a consensual relationship between the parties. Charge sheet has been submitted. In the facts and circumstances of the case, we are inclined to hold

that custodial interrogation of the petitioner is no longer required. Accordingly, he may be granted anticipatory bail.

Accordingly, in the event of arrest, the petitioner is directed to be released on anticipatory bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of like amount to the satisfaction of the Arresting Officer. The petitioner will abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 11210 of 2020 is disposed of.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)

