

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

22.09.2021

Court No.01
rpan /45

C.R.M. 450 of 2021

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

And

In Re : **Sahinr @ Sahinur Ali @ Hitlar**
- Petitioner.

Mr. Kallol Nag

... for the petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP,

Mr. Sagnik Sarkar

... for the State.

Apprehending arrest in connection with Samuktala Police Station Case No.137 of 2019 dated 03.06.2019 under Sections 363/365/34 of the Indian Penal Code, 1860 adding Section 6 of the Protection of Children from Sexual Offences Act, 2012, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that there was a long standing love affair between the petitioner and the *de facto* complainant's daughter. On the date of the alleged incident the victim girl was above 17 years of age. She was not persuaded to leave her paternal house. Subsequently she has also married the petitioner on 5th August, 2019 and the same has been registered by the competent authority. Upon completion of investigation, charge-sheet has also been submitted and as such, custodial interrogation of the petitioner is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer and submits that there are incriminating materials on record against the petitioner.

It appears that the petitioner and the victim girl are presently residing together and their marriage has also been registered. The victim girl has also given birth to a female child. In the said conspectus and as upon completion of investigation, charge-sheet has also been submitted, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sahinr @ Sahinur Ali @ Hitlar** shall be released on bail upon furnishing a bond of Rs.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 450 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.

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)