

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

23.09.2021

Court No.01
rpan /25

C.R.M. 566 of 2021

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

And

In Re : **Rakshid Alam**

- Petitioner.

with

CRAN 1 of 2021

Ms. Suman Sehenabis (Mondal),
Ms. Arpita Saha

... for the petitioner.

Mr. Ujjwal Luksom,
Mr. Tapan Bhattacharjee

... for the State.

Apprehending arrest in connection with Pundibari Police Station
Case No.81 of 2021 dated 16.02.2021 under Sections 376(n)/406/325
of the Indian Penal Code, 1860, the petitioner has preferred the
present application.

The learned advocate appearing for the petitioner submits that
allegations levelled against the petitioner are unfounded. The
complaint was lodged by the *de facto* complainant after the petitioner
entered into a marriage with another lady. The said marriage was
solemnized on 16th November, 2020 and the complaint was lodged
about three months thereafter on 16th February, 2021. The ingredient
of Section 376(n) does not stand satisfied. In the said conspectus,
custodial interrogation of the petitioner is not necessary.

Mr. Bhattacharjee, learned advocate appearing for the State
opposes the petitioner's prayer and draws our attention to several
documents in the case diary, including the medical reports and the

statement of the *de facto* complainant, as recorded under Section 164 of the Code.

Prima facie, in view of the age of the *de facto* complainant, it cannot be ruled out that she was totally unaware of the consequences of her relationship with the petitioner. Considering the nature of accusations and the extent of complicity, 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 **Rakshid Alam** 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 and on a further condition that he shall meet with the investigating officer of the case once in a week on and from 29th September, 2021 until further orders.

The application for anticipatory bail, being CRM 566 of 2021 and the connected application, being CRAN 1 of 2021 are, thus, disposed of.

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.)