

21.05.2021  
(Circuit Bench  
at Jalpaiguri)  
SL No.5  
Court No.28  
(gc)

**CRM 597 of 2021**  
**(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Malbazar Police Station Case No.168/2021 dated 05.04.2021 under Sections 417/376 of the Indian Penal Code.

And

In the matter of : **Sahanur Islam @ Sainur**  
- Petitioner

Mr. Debajit Kundu,  
... For the Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,  
Mr. Sourav Ganguly,  
... For the State.

It is submitted on behalf of the petitioner that there was a love relationship between the petitioner and the de facto complainant and he has been falsely implicated in this case.

The State, however, opposes the prayer for anticipatory bail.

It appears that the de facto complainant was a major at the time of the alleged incident and was aware of the consequences of the act. There appears to be prima facie consensual relationship between the parties. Considering the entire materials on record as well as the nature of allegation, we are of the opinion that custodial interrogation of the petitioner may not be required and he may be granted anticipatory bail. Accordingly, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Sahanur Islam @ Sainur**, 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.

It is also directed that the petitioner shall meet the Investigating Officer of the case once in a week until further orders and shall cooperate with the investigation.

The application for anticipatory bail, being CRM No.597 of 2021 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.)**

**(Soumen Sen, J.)**