

13.12.2021
SL No.33
Court No.1
AJ

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 1001 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 Sahebganj Police Station Case No.498 of 2018 dated 16.11.2018 under Sections 363/365/109 of the Indian Penal Code and added Section 4 of the Protection of Children from Sexual Offences Act, 2012.

And
In the matter of : **Sahidur Rahaman.**
....petitioner.

Mr. Swarup Monal
... For the Petitioner.

Mr. Nilay chakraborty,
Mr. Sagnik Sankar Sikdar.
... For the State.

The learned Counsel for the petitioner submits that the petitioner married with the girl when she was major. The petitioner was in love relationship with the victim girl and he has been falsely implicated.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that at the time of the offence the victim girl was minor.

Considering the materials available on record and the nature and involvement of the petitioner in the commission of alleged offence and having regard to the fact that the petitioner married

the victim girl and charge sheet has been filed, we feel that the custodial interrogation of the petitioner is not required.

As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Sahidur Rahaman**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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.

This order shall valid for a period of six weeks within which the petitioner shall obtain regular bail from Additional Chief Judicial Magistrate, Dinhata.

The application for anticipatory bail, being CRM No.1001 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.

(Biswajit Basu, J.)

(Soumen Sen, J.)