

CRM (A) 147 of 2022
(via video conference)

Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

In the matter of : **Sujauddin Mir**

..... petitioner

Ms. Karabi Roy

.....For the petitioner

Ms. Debjani Sahu

.....For the State

Apprehending arrest in connection with Kaliganj Police Station Case No. 572 of 2021 dated 21.10.2021 under Sections 376/417/325/34 of the Indian Penal Code, the present application has been preferred.

Ms. Roy, learned advocate appearing for the petitioner submits that there was a consensual relationship between the petitioner and the victim for more than four years. Both of them are adult and they were aware of the consequences of such relationship. In the said conspectus, custodial interrogation may not be necessary.

Ms. Sahu, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses including that of the victim girl, as recorded under Sections 161 and 164 of the Code as well as the medical report.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that there was a consensual relationship between the petitioner and the victim lady, both of whom are adult. Whether such relationship was actuate with dishonest intention from the inception is a matter required to be assessed at the appropriate stage of the trial.

Prima facie, the statement of the victim lady also reveals that there was an agreement between the respective families as regards marriage of the petitioner with the victim lady. In the said conspectus, we are of the opinion, that custodial interrogation of the petitioner is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Sujauddin Mir** 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 with further condition that the petitioner shall meet with the investigating officer of the case once a week till investigation is complete.

It is further directed that the petitioner shall not tamper with the evidence and/or intimidate the witnesses.

He shall also attend learned Court below on all the dates, as specified for hearing.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned Court below shall be at liberty to cancel his bail, in accordance with law, without further reference to this Court.

The application for anticipatory bail, being CRM (A) 147 of 2022, is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)