

07.06.2022

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Allowed

C.R.M.(A) 2341 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Pukhuria Police Station Case No. 486 of 2021 dated 04.12.2021 under Sections 376D/506/307 of the Indian Penal Code.

And

In Re : Md. Motiur Rahaman petitioner

Ms. Minoti Gomes
Mr. Kazi M. Rahaman
.....for the petitioner

Md. Anowar Hossain
Ms. Sreyashee Biswas
....for the State

It is submitted by the learned Counsel appearing for the petitioner that there was an intimate relationship between the parties and the petitioner has been falsely implicated in the instant case.

Learned Counsel appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner had ravished the victim lady on false pretenses.

We have considered the materials on record including the statement of the victim lady. Victim is a major lady and her allegation of rape through deception requires to be assessed during trial in the light of attending circumstances. It is also relevant to note that the victim had not alleged being raped by

more than one person but offence under Section 376D of the Indian Penal Code is referred to in the F.I.R.

In view of the aforesaid facts and circumstances of the case, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that he shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)

C.R.M. 11960 of 2017

In Re:- An application under Section 438 of the Code of Criminal Procedure filed on 28.11.2017 in connection with Jagatballavpur Police Station Case No. 263 of 2017 dated 01.11.2017 under Sections 376/511 of the Indian Penal Code.

And

In Re : Aslam Ali Sk. @ Aslam Sk. petitioner

Mr. Kallol Mondal,
Ms. Amrita Chel

.....for the petitioner

Mr. N. P. Agarwala

....for the State

Learned Counsel appearing for the petitioner submits that he has been falsely implicated in the instant case and the allegations are patently absurd and inherently improbable.

Learned Counsel appearing for the State opposes the prayer for bail.

We have considered the materials in the case diary and bearing in nature of allegations in the light of the aforesaid submission made by the learned Counsel appearing for the petitioner, we are of the opinion although custodial interrogation of the petitioner may not be necessary in the facts of the case but movement of the petitioner requires to be restricted to instill confidence in the mind of the victim.

(Joymalya Bagchi, J.)

