

15.06.2022
SL No.144
Ct. 28
Saswata

CRM (A) 2701 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Shaympur** P.S. Case No. **311/2021** dated **04.08.2021** under **Sections 363/365/34 of the Indian Penal Code** and **Section 6 of the POCSO Act.**

And

In the matter of: **Amir Khan**

....Petitioner

Mr. Subimal Ghorai

...for the Petitioner

Mr. Anwar Hossain

Mr. Arif Ekbal Molla

...for the State.

It is submitted on behalf of the petitioner there was a love affair between the parties. An earlier criminal case ended in final report as mistake of fact. Subsequently, the instant case has been registered.

Learned lawyer for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Allegation of abduction and forcible rape require to be assessed in the light of the aforesaid circumstances including the submission of the final report in the earlier criminal case.

Under such circumstances, we are of the opinion though custodial interrogation of the petitioner is not required, the petitioner requires to co-operate with investigation in accordance with law.

The prayer for anticipatory bail is thus allowed.

Accordingly, we direct that in the event of arrest, the petitioner 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the Court below and pray for regular bail within four weeks from date and on further condition that the petitioner while on bail shall meet the investigating officer once in a week or until further order .

The application for anticipatory bail is, thus, disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)