

**CRM 7758 of 2021**  
**(via video conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure ;

And

**In Re : Jamirul Sk. @ Jamirul Islam**

.....Petitioner

**Mr. Sujoy Sarkar**

.....for the Petitioner

**Mr. Narayan Prasad Agarwala**

**Ms. Subhasree Patel**

.....for the State

Apprehending arrest in connection with English Bazar Police Station Case No. 741/21 dated 29.6.2021 under Sections 448/323/376/511/379/506/34 of the Indian Penal Code, principal accused in the case filed this instant application praying for anticipatory bail.

The learned lawyer appearing for the petitioner submitted that both are adult and neighbours. They had a consensual relationship between them which cannot, under no stretch of imagination, be termed as rape. Accordingly, anticipatory bail is prayed for.

*Per contra*, inviting our attention to the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure as well as the medical report, the learned lawyer representing the State submitted that incriminating elements are there against the present petitioner and opposed the instant application for anticipatory bail.

We have perused the case diary and the materials available and heard the learned lawyers for both the parties. We are not able to find corroboration of the written complaint from the statement of the victim girl or medical documents. Incriminating materials are non-corroborative. In this conspectus of fact, we are inclined to allow the anticipatory bail to the present petitioner.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Jamirul Sk. @ Jamirul Islam** 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 the investigating officer once a week till the investigation is complete.

The petitioner shall not tamper with the evidence and/or intimidate the witnesses. He shall also attend the 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 7758 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.

**(Sugato Majumdar, J.)**

**(Tapabrata Chakraborty, J.)**