

27.01.2022.
SL.7
Saswata
(Allowed)

**C.R.M. 8804 of 2021
(Through Video Conference)**

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

In the matter of : Maru @ Maruf Sk.

... Petitioner.

Mr. M. Chatterjee

...for the Petitioner.

Mr. Soumik Ganguly
Mr. Aniket Mitra

.....For the State.

Apprehending arrest in connection with Hariharpara Police Station Case No. 354 of 2019 dated 26.07.2019 under Sections 363/365/34 of the Indian Penal Code, 1860, the present application has been preferred.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that there was a love relationship between the victim lady and the petitioner. She willingly left her house and accompanied the petitioner. In view thereof, the ingredients of Sections 363 and 365 are not attracted against the petitioner. Upon completion of investigation, chargesheet has also been submitted and as such, custodial interrogation is not necessary.

Mr. Mitra, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim lady, as recorded under Section 164 of the Code.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, including the statement of the victim girl, as recorded under Section 164 of the Code, the nature of accusations and since the victim girl

has already been recovered, we are of the opinion that custodial interrogation of the petitioner is not necessary more so, when upon completion of investigation chargesheet has been submitted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, Maru @ Maruf Sk., be released on bail upon furnishing a Bond of `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.

It is further directed that the petitioner shall attend the learned trial Court on all the dates, as fixed for hearing and shall not intimidate the witnesses or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial Court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 8804 of 2021 is disposed of.

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

(Krishna Rao, J.)

(Tapabrata Chakraborty, J.)

