

27.06.2023

Sl. 34

Court No. 29

Sourav

(Allowed)

C.R.M. (DB) 2294 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure in connection with **South Port** Police Station Case No. **62** of **2023** dated **06.04.2023** under Sections **376/417** IPC.

And

In the matter of: **Md. Sahazada @ Md. Shahazada**

....petitioner.

Md. Zeeshan Uddin

Mr. Abu Nazam

...for the petitioner.

Mr. Sayan Dev Kumar

... for the defacto complainant.

Mr. Debabrata Chatterjee, Ld. APP

Mr. Santanu Chatterjee

...for the State.

1. Heard learned Counsel for the parties.
2. Considered the materials placed by them including the statement of the victim recorded under Section 164 Cr.P.C.
3. Admittedly, both the petitioner and the victim are major and they engaged in consensual sex on two occasions. The petitioner wanted to marry her during the courtship but he having refused to marry, the present FIR has been lodged.
4. Charge-sheet is stated to have been filed.
5. Regard being had to such facts and submissions, the factum of permanent residence of the petitioner, nature of allegation and completion of investigation, it is directed that the petitioner shall be released on bail by the learned Additional Chief Metropolitan Magistrate, 2nd Court, Calcutta, in connection with South Port P.S. Case No. 62 of 2023 on such terms and conditions as deemed just and proper in the facts and circumstances.

6. Without prejudice to the rights of both the parties, we request Officer-in-Charge, South Port P.S. to call both the parties after release of the petitioner on bail and mediate between them for their marriage. It is, however, beneficial to mention here that the concerned Officer-in-Charge shall not apply any force to either of the party.
7. Accordingly, the prayer for bail is allowed.
8. The application being **CRM (DB) 2294 of 2023** is disposed of.
9. Learned Trial Court is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

