

14.07.2023
tkm/ct 28
sl no. 8

C.R.M. (A) 2904 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Raidighi P.S case no. 212 of 2023 dated 15.4.2023 under sections 363/365 IPC adding section 6 of the POCSO Act

And

Allowed

In Re : Jahir Sekh alias Jahir Uddin Seikh petitioner

Mr. A Chakraborty

Mr. S S Saha

..... for the petitioner

Mr. S S Imam

Mr. R Jana

..... for the State

Mr. Amanul Islam

..... for the victim

It is submitted on behalf of the petitioner that there was a love affair between two young persons. Parties have married each other as per personal law. He prays for anticipatory bail.

Learned lawyer for the State produces case diary.

Learned lawyer for the victim girl does not oppose the prayer for anticipatory bail.

We have considered materials on record. Allegation of forcible rape has to be assessed in the light of the aforesaid submission made on behalf of the parties as well as absence of medical evidence with regard to injuries on her person.

Under such circumstances, 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.

Petitioner shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM (A) 2904 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)