

03.10.2023

SL. 52

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 3984 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kolaghat** Police Station Case No. **328** of **2022** dated **22.06.2022** under Sections **363/365/366** IPC (corresponding to G.R. Case No. 1844 of 2022 pending before the Chief Judicial Magistrate, Tamruk, Purba Medinipur).

And

In the matter of: **Sk Miraj Ali**

....petitioner.

Mr. Sabir Ahmed
Mr. Tasrim Ahmed
Ms. Suman Biswas

...for the petitioner.

Mr. Anwar Hossin
Ms. Sreyashee Biswas

... for the State.

1. Heard learned Counsel for the parties.
2. Though both the petitioner and the informant belong to different religion, it is found from the statement of the victim recorded under Section 164 Cr.P.C. that there was marriage between them and they lived as man and wife for about a month. Both are major. There is allegation to the effect that the victim was forced to marry according to religious rites of the petitioner and was also forced to practice the religion of the petitioner.
3. Be that as it may, so far as the physical relationship is concerned, there is no allegation of any force being applied by the petitioner.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation and completion of investigation, it is directed that petitioner

shall surrender before the learned Chief Judicial Magistrate, Tamluk, Purba Medinipur, in G.R. Case No. 1844 of 2022 arising out of the aforesaid P.S. case within 15 days from today. On his appearance and application for bail, he shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

5. Accordingly, the prayer for anticipatory bail is allowed.
6. The application being **CRM (A) 3984 of 2023** is disposed of.
7. Learned Chief Judicial Magistrate, Tamluk, Purba Medinipur is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

