

05.07.2023
Item no.13.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (A) No. 450 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Tufanganj Police Station Case No.371 of 2023 Dated 23.05.2023 under Sections 376(2)(n)/506 of the Indian Penal Code.

And

In the matter of: Saidul Mia @ Sahidul Haque.

.....Petitioner.

Mr. Hillol Saha Poddar,
Ms. Mousumi Das,

.....for the Petitioner.

Mr. Nilay Cakraborty,
Mr. Aubhasish Misra,

.....for the State.

The petitioner prays for pre-arrest bail. He says that he has been framed in the matter. The victim lady is his daughter's mother in-law. They are both matured persons. They had consensual relationship including the physical relationship.

We have seen the material in the case diary including the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure.

On an overall assessment of the material on record and the nature and gravity of the allegation, although chargesheet has not yet been submitted, in our opinion, immediate custodial interrogation of the petitioner may not be necessary so long as he co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely, **Saidul Mia @ Sahidul Haque** shall be released on bail upon furnishing a bond of Rs.10,000/- with two registered sureties of like amount each, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that the petitioner shall report to the Investigating Officer of the concerned police station once in a week and/or as and when called for till submission of Final Form.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M.(A) No. 450 of 2023 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)