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[ALLOWED]

C. R. M. (A) 3735 of 2024

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Tehatta Police Station Case No. 614 of 2024 dated 19.08.2024 under Sections 126(2)/62/64/3(5) of the Bharatiya Nayay Sanhita and under Section 8 of the POCSO Act.

In Re: Hasan Jahed Khan @ Hasan Ali Khan.
... ... Petitioner

Mr. Asraf Mandal.
... ... for the petitioner

Mr. S. S. Imam,
Mr. N. Ahmed.
... ... for the State

1. Petitioner contends there was a romantic relationship between two young persons and he has been falsely implicated. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail. He submits petitioner had forcibly raped the minor.
3. Inspite of service of notice, nobody appears for the minor victim.
4. We have considered the statement of the minor victim. From her statement, it appears initially the victim was unwilling to respond to the advances of the petitioner. Then he proposed to commit suicide. Subsequently, she came to the residence of the petitioner and there she had been raped. Taking the totality of the circumstances as transpiring from the aforesaid statement, it appears there was prior mixing between the parties. Possibility of

consensual relationship between two young persons cannot be ruled out.

5. In these circumstances, no worthwhile purpose would be served in committing the petitioner to custody for purposes of investigation.

6. Accordingly, we direct that in the event of arrest, the petitioner viz., Hasan Jahed Khan @ Hasan Ali Khan 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 subject to the conditions as laid down under Section 482(2) of the BNSS. He shall appear before the court below and pray for regular bail within four weeks from date.

7. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)