

28.11.2024
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Allowed

C.R.M. (A) No. 4137 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Hogalberia Police Station Case No. 247 of 2024 dated 06.10.2024 under Sections 318(2)/351(2)/64/77/3(5) of the BNS and Section 6 of the POCSO Act.

And

In Re : Sohel Khan @ Soyel Khan petitioner

Mr. Arindam Jana
Mr. Asraf Mandal
Mr. Tanbir Mandal

.....for the petitioner

Ms. Sonali Das
Mr. Subhasish Dutta

....for the State

1. Learned Counsel for the petitioner submits there is a romantic relationship between two young persons. There was inordinate delay in lodging FIR. He prays for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail.

3. Inspite of notice nobody appears for the victim.

4. We have considered the materials on record. Statement of the victim shows petitioner had threatened, blackmailed and cohabited with her. However, she had not disclosed the incident to anyone earlier. There is delay in lodging FIR. Investigation also shows that the parties had

married each other as per Muslim rites and customs. In view of the aforesaid circumstances probalising the defence version of free mixing out of affection, we are inclined to grant anticipatory bail to the petitioner.

5. 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, one of whom must be local, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that he shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

6. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)