

***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

27.08.2019.
29.
as
(Allowed).

C.R.M. 689 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 29.07.2019 in connection with Matelli P. S. Case No.80 of 2019 dated 01.06.2019 under Sections 376/313/317/323/379/34 of the Indian Penal Code.

In the matter of : Ismail Hoque.

... Petitioner.

Mr. Sudip Guha.

...for the Petitioner.

Mr. Kallol Acharjee,
Mr. Tapan Bhattacharjee.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioner that there was a love affair between the parties and the victim lady was major at the time of cohabitation.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner had dishonestly cohabitated with the victim on the false promise of marriage. Subsequently, the victim was forced to abort the child.

Having considered the materials on record and bearing in mind the nature of allegations in the light of the aforesaid submission made on behalf of the petitioner that the victim lady was major at the time of cohabitation and was aware of the consequences thereof, we are of the opinion though custodial interrogation of the petitioner is not necessary and he may be granted bail, however, subject to strict conditions.

Accordingly, we direct that in the event of arrest the petitioner viz., Ismail Hoque 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall appear before the trial court and pray for regular bail within four weeks from date and on further condition that the petitioner shall meet the investigating officer once in a week until further orders.

This application for anticipatory bail is, thus, disposed of.

(Manojit Mandal,J.)

(Joymalya Bagchi, J.)

