

46.
04-08-2021
(ct. no.32)
KOLE
Allowed

(Via Video Conference)

CRM 2175 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gazole Police Station** Case No. **68 of 2019** dated **18.02.2019** under Sections **493/376** of the Indian Penal Code.

- A n d -

In the matter of : Anwar Hossain

.... Petitioner.

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Mr. A. Karmakar,
Mr. Arup K. Bhowmick

... For the Petitioner.

Mr. N. P. Agarwala,
Mr. Pratick Bose,

... For the State.

It is submitted on behalf of the petitioner that there was a love affair between the petitioner and the victim and the petitioner has been falsely implicated herein. During the pendency of the present application the victim has married another person.

The State opposes the prayer for anticipatory bail and refers to the statement of the victim under Section 161 of the Code and also her injury report.

It, *prima facie*, appears from the material in the case diary that both the parties are major and there was consensual relationship between them. The victim being a major lady was aware of the consequences of the act all throughout.

Having considered the facts and circumstances of the case and nature of allegations, we are inclined to hold that immediate custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail so long as he cooperates with the Investigating Officer.

Accordingly, 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 shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

The application of anticipatory bail being CRM 2175 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)