

57. 24.08.2021

Ct.32

Tanmoy

Allowed

C.R.M. 4401 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **30/06/2021** in connection with **Gazole Police Station Case No. 486/2021** dated **19/06/2021** under Sections **417/376/323/34** of the Indian Penal Code.

And

In the matter of: - **Rafikul Islam**

....petitioner.

Mr. Kallol Mondal,
Mr. Musharraf Alam Sk.,
Mr. Krishan Ray,
Ms. Amrita Chel,
Mr. Souvik Das,
Ms. Anamitra Banerjee

...for the petitioner.

Mr. Binay Kumar Panda,
Mr. Goutam Wilson,
Ms. Puspita Saha

...for the State.

The petitioner says that he has been framed. He had a longstanding affair with the victim/complainant. Upon the petitioner refusing to marry the victim, the present false complaint has been lodged.

We have seen the material in the Case Diary including the statement of the victim where she unequivocally admits about her longstanding relationship with the petitioner. We have also seen the medical report which records that the victim, on her own volition, kept physical relationship with the petitioner. She refused internal medical examination.

On an overall assessment of the material on record and the nature and gravity of the alleged offence, we are of the view that 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 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.

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. 4401 of 2021 is, accordingly, disposed of.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)