

23.12.2021
Item no. 229
Court No.32
Avijit Mitra

C.R.M. 7624 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : Abdul Karim

.... petitioner

Ms. Minoti Gomes

....for the petitioner

Mr. Arup Sarkar

..... for the State

Apprehending arrest the instant application is filed in connection with Karandighi Police Station Case No.160 of 2021 dated 27.04.2021 under Sections 417/376 of the Indian Penal Code.

Ms. Gomes, learned lawyer representing the petitioner submitted, that both the present petitioner and the de facto complainant are major and the relationship is based on consent of both the parties. The victim had filed an affidavit before the learned Additional Chief Judicial Magistrate stating that she falsely implicated the petitioner and wants to withdraw the case. Accordingly, the anticipatory bail is prayed for on any stringent condition.

Per contra, learned lawyer representing the State invited our attention to the statement of the victim girl recorded under Section 161 of the Code and stated that strong incriminating elements are there against the present petitioner.

We have heard rival submissions and perused the case diary. Chargesheet has been filed in this case. No statement of

the victim girl is recorded under Section 164 of the Code of Criminal Procedure. We have also perused the medical report and statement of other witnesses. On perusal of case diary and other materials and considering the nature and extent of incriminating materials, we are of the opinion that custodial detention is not necessary and accordingly, we are inclined to exercise our discretion in this case.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Abdul Karim**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) with two sureties of like amount each one of whom must be local, 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.

The petitioner shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 7624 of 2021 is disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)

