

21.12.2021.
94.
as
(Allowed).

C.R.M. 8604 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Hasnabad P. S. Case No.668 of 2021 dated 13.11.2021 under Sections 376/506 of the Indian Penal Code.

In the matter of : Abdur Rafik Gazi @ Rafik Gazi.
... Petitioner.

Mr. Kallol Kr. Basu,
Md. Jannat Ul Firdous,
Ms. Tithi Mazumder.

...for the Petitioner.

Mr. Arup Kr. Mondal.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioner that the victim is a married lady. There is delay in lodging the first information report.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that the victim was compelled to cohabit with the petitioner on the false promise of marriage.

We have considered the materials on record. Victim was a major lady at the time of cohabitation and was aware of the consequences thereof.

Under such circumstances, we are of the opinion custodial interrogation of the petitioner is not necessary and the petitioner may be granted anticipatory bail.

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, 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.

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

(Bivas Pattanayak,J.)

(Joymalya Bagchi, J.)