

12.03.2021.

162.

as

(Allowed).

C.R.M. 11083 of 2020

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kaliyaganj P.S. Case No.366 of 2020 dated 04.09.2020 under Sections 493/376(h)/323/34 of the Indian Penal Code.

In the matter of : Julfikar Alam @ Md. Julfikar Alam.
... Petitioner.

Mr. Kaushik Chaudhury,
Mr. Sabyasachi Hazra,
Ms. Busra Khatoon.

...for the Petitioner.

Ms. Faria Hossain,
Ms. Baisali Basu.

.....for the State.

Apprehending arrest in connection with Kaliyaganj P.S. Case No.366 of 2020 dated 04.09.2020 under Sections 493/376(h)/323/34 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

The learned Advocate appearing for the petitioner submits that they have been falsely implicated in connection with the instant case. It is further submitted that the aforesaid case has been lodged against him without any disclosure of the offence and because of sheer vengeance.

On the other hand, the learned Advocate appearing for the State opposes the prayer for bail and submits that the petitioner and the de-facto complainant had a love affair and according to the de-facto complainant, the physical relationship was established on the promise to marry her but later on, the petitioner refused to marry her. It is further

submitted that she was also assaulted by several persons including the petitioner which would be evident from the statement of the victim recorded under Section 161 of the Code of Criminal Procedure.

After hearing the respective counsels and on perusal of the materials available on record, it appears that there was a love affair between the petitioner and the de-facto complainant and the physical relation was established which would be corroborated from the medical report. So far as the other allegations are concerned, we do not find any medical report to find place in the Case Diary showing any injury caused to her.

In view of the above, we feel that it is a fit case where the petitioner should get privilege of 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, one must be local subject to the satisfaction of the arresting officer with further condition that the petitioner shall meet the Investigating Officer every week until further order. Apart from the aforesaid conditions, the further conditions enshrined under Section 438(2) of the Code of Criminal Procedure, 1973 shall also apply.

This application for anticipatory bail is, thus, allowed.

(Harish Tandon, J.)

(Kausik Chanda, J.)

