

11.03.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1180 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ratua** Police Station Case No. **634** of **2020** dated **20.12.2020** under Sections 448/376/506 of the Indian Penal Code.

And

In Re : Rabiul Islam.

..... petitioner

Mr. Koustav Bagchi

Mr. Arup Sarkar

Mr. Debayan Ghosh

....for the petitioner

Mr. Soumik Ganguly

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the present police case is a counter-blast to the earlier police complaint lodged by the wife of the petitioner against the husband of the de-facto complainant, inter alia, under Section 376 of the Indian Penal Code. The husband of the de-facto complainant in such earlier police case was granted anticipatory bail.

Learned advocate appearing for the State draws the attention of the Court to the contents in the case diary. He submits that, the de-facto complainant refused to undergo any medical test.

Considering that the possibility of the present police case being lodged as a counter-blast to the earlier police case of the wife of the petitioner herein cannot be discounted and considering the gravity of the offence and the involvement of the petitioner therein and considering the fact that the de-facto complainant refused to undergo medical test, we grant anticipatory bail to the petitioner.

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 also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet the Investigating Officer once in a month till the conclusion of the investigation and on condition that the petitioner shall appear before the jurisdictional court on every date fixed and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

