

16.03.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1251 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Krishnaganj** Police Station Case No. **314** of **2021** dated **25.12.2021** under Sections 376/417/313/506 of the Indian Penal Code.

And

In Re : Koushik Sharma

..... petitioner

Mr. Prabir Majumdar

....for the petitioner

Mr. Saswata Gopal Mukherjee, learned Public Prosecutor

Mr. Aniket Mitra

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The police complaint is a result of a relationship turning sour.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

In her 164 Cr.P.C. statement, the victim admits that, she was in a relationship with the petitioner from her 16 years of age. She narrates an incident of September, 2021. She was a major at that point of time.

Considering the fact that victim and the petitioner are both major and considering the gravity of the offence and the involvement of the petitioner therein and considering the 164 Cr.P.C. statement of the victim where she acknowledges the relationship with the petitioner, 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 fortnight till the conclusion of the investigation and on condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

