

02.05.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 2004 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Domkal** Police Station Case No. **652** of **2021** dated **01.11.2021** under Sections 417/376 of the Indian Penal Code, 1860.

And

In Re : Arshad Ali @ Arsad Ali

..... petitioner

Mr. Arnab Chatterjee

Mr. Anisur Rahaman

....for the petitioner

Md. Anwar Hossain

Ms. Manisha Sharma

....for the State

Petitioner renews the prayer for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the police filed charge-sheet subsequent to the earlier order of rejection dated January 6, 2022. The parties were in a consensual relationship.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Considering the fact that the police filed charge-sheet against the petitioner and considering the fact that the defacto complainant and the petitioner are adults and considering the fact consensual relationship between the petitioner and the

defacto complainant cannot be ruled out. 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 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 petitioner 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.)