

04.05.2022

23

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 2016 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raiganj** Police Station Case No. **320** of **2022** dated **16.03.2022** under Sections 493/376/506 of the Indian Penal Code, 1860.

And

In Re : Mahammad Danesh

..... petitioner

Mr. Kaushik Chaudhury

Ms. Busra Khatoon

....for the petitioner

Mr. Santanu Chatterjee

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the police complaint was lodged as a result of a previous 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.).

The victim claims herself to be 31 years of age. In her 164 Cr.P.C. statement, she acknowledges that there was a relationship between her and the petitioner.

Considering the fact that the victim and the petitioner are adults and considering the 164 Cr.P.C. statement of the victim, 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

The petitioner will make over his mobile phone and/or any photographs of the de-facto complainant in his possession to the Investigating Officer on the first day of his meeting with the Investigating Officer.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

