

02.09.2022

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Allowed

C.R.M. (A) No. 4178 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Manikchak Police Station Case No. 444 of 2022 dated 16.08.2022 under Sections 417/376 of the Indian Penal Code.

And

In Re : Sk. Jahangir @ Jahangir Sk. petitioner

Mr. Arup Kumar Bhowmick

.....for the petitioner

Mr. Pravas Bhattacharya

Mr. Suman Saha

....for the State

Learned Counsel appearing for the petitioner submits there was a love affair between him and the victim lady. Marriage could not fructify due to circumstances beyond his control. He prays for anticipatory bail.

Learned Counsel appearing for the State opposes prayer for anticipatory bail.

We have considered materials on record. Victim was murdered at the time of the incident and was aware of the consequences thereof. Whether the petitioner did not intend to marry the victim from the inception of the relationship or not requires to be assessed in the course of trial. However, in the facts and circumstances of the case, we are of the opinion that custodial interrogation of the petitioner is not necessary and the petitioner may be granted 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/- (Rupees Ten Thousand Only), 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 before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)