

19.09.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 4463 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Noapara** Police Station Case No. **189** of **2022** dated **13.06.2022** under Sections 376/417/506 of the Indian Penal Code.

And

In Re : Arif Mondal

..... petitioner

Mr. Kallol Kumar Basu

Md. Jannat Ul Firdous

Ms. T. Mazumdar

....for the petitioner

Mr. Koustav Bagchi

Mr. Debayan Ghosh

Ms. Priti Kar

....for the de-facto complainant

Mr. Bidyut Kumar Roy

Ms. Rita Dutta

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the police complaint was lodged after 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.).

Both the victim and the petitioner are adults.

The victim in her 164 Cr.P.C. statement acknowledges the relationship between her and the petitioner.

In such circumstances, 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 a fortnight till the conclusion of the investigation and on condition that the petitioner shall appear on every date 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.)

(Md. Shabbar Rashidi, J.)