

29.09.2022.

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AD/KC

(Allowed).

C.R.M. (A) 4688 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore P.S.** Case No.109 of 2022 dated 22.01.2022 under Sections 506/195A of the Indian Penal Code.

In the matter of : Ramijul Alam @ Raja
... Petitioner.

Ms. Minoti Gomes
...for the Petitioners.

Mr. M.F.A. Begg
...for the State.

It is contended on behalf of the petitioner that there was a consensual co-habitation between himself and the de-facto complainant. De-facto complainant falsely instituted a case of rape against him. He was granted pre-arrest bail in CRM 7929 of 2021. Subsequently, he has again been falsely implicated in the present case.

Learned Advocate appearing for the State submits petitioner has not cooperated with investigation.

We have considered the materials on record. Victim was a major lady at the time of co-habitation. Petitioner was granted anticipatory bail in the earlier case.

In view of the aforesaid circumstances, we are of the opinion though custodial interrogation of the petitioner is not necessary, to allay any apprehension from the mind of the de-

facto complainant/ victim, movement of the petitioner requires to be restricted.

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 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 appear before the trial court and pray for regular bail within a period of four weeks from date and on further condition that the petitioner while on bail shall not enter the jurisdiction of Berhampore Police Station except for the purposes of investigation and/or attending court proceeding.

This application for anticipatory bail is, thus, disposed of.

(Ajay Kumar Gupta,J.)

(Joymalya Bagchi, J.)