

31.10.2022
Serial no. 78
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 4814 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Malda** Police Station Case No. **330** of **2022** dated **27.07.2022** under Sections **417/376/313/506/298/109** of the Indian Code corresponding to General Diary Reference No. **1283 of 2022.**

-And-

In the matter of : **Md. Asif Iqbal**

... .. Petitioner

Mr. Bikash Ranjan Bhattacharya, Id. Sr. adv.

Mr. Upendra Ray,

Mr. Faiyaz Ahmed Khan,

Md. Mustafa,

Ms. Kanchan Roy,, Advocates

... .. For the Petitioner

Mr. Sujan Chatterjee, Advocate

... ..For the State

Mr. Mazhar Hossain Chowdhury,

Md. Zeeshan Uddin, Advocates

.. ...For the de facto complainant

Petitioner prays for anticipatory bail.

Learned senior advocate appearing for the petitioner submits that the police complaint is a result of a previous relationship turning sour.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the de facto complainant recorded under Section 164 of the Criminal Procedure Code as also to the statement she made at the time of her medical examination.

Learned advocate appearing for the de facto complainant submits that the de facto complainant was made

to undergo abortion by the petitioner. Moreover, the de facto complainant was assaulted by the petitioner.

The statement of the de facto complainant recorded under Section 164 of the Criminal Procedure Code acknowledges a pre-existing relationship between her and the petitioner. The police complainant lodged by the de facto complainant also narrates about the existing relationship. She acknowledged her relationship with the petitioner before the Medical Officer examining her.

Both the petitioner and the de facto complainant are adults. The de facto complainant was aware of the consequences of her action.

In such circumstances, we are inclined to 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/- (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 further condition that the petitioner shall report before the Investigating Officer once in a month till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 4814 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)