

03.11.2022
Serial no. 15
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 5060 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Bagdah** Police Station Case No. **813** of **2022** dated **14.10.2022** under Sections **376/417** of the Indian Penal Code.

-And-

In the matter of : **Pinku Biswas**

... .. Petitioner

Mr. Susnigdho Bhattacharyya, Advocate
... .. *For the Petitioner*

Mr. Saswata Gopal Mukhopadhyay, Id. PP
Mr. Aniket Mitra, Advocates
... ..*For the State*

The victim in her statement recorded under Section 164 of the Criminal Procedure acknowledges a relationship between her and the petitioner.

The victim is a married lady with a child.

Apparently, the victim did not obtain any decree for divorce before entering into the relationship with the petitioner.

The victim did not undergo any medical examination.

Both the petitioner and the victim are adult. They are supposed to be aware of the consequences of the relationship that they entered into.

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 as and when called for 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) 5060 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)