

04.11.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5064 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Hemtabad** Police Station Case No. **280** of **2022** dated **13.10.2022** under Sections 406/420/342/376(2)(ii)/376(D)/506/34 of the Indian Penal Code, 1860.

And

In Re : Julias Niar & Ors.

..... petitioners

Mr. Sekhar Kumar Basu
Mr. Jishan Iqubal Hossain
....for the petitioners

Mr. Kaushik Chaudhury
Ms. Busra Khatoon
....for the de-facto complainant

Ms. Zareen N. Khan
Mr. Arup Sarkar
....for the State

Petitioners pray for anticipatory bail.

Learned senior advocate appearing for the petitioner submits that, the first petitioner and the de-facto complainant are married. He refers to the certificate of marriage in support of such contention. He submits that, consequently, the allegations levelled are without any basis.

State and the de-facto complainant are represented.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the victim recorded under Section

164 of the Code of Criminal Procedure (Cr.P.C.). She submits that the de-facto complainant is presently pregnant.

On a query from the Court, learned advocate for the de-facto complainant submits that, the de-facto complainant is a post graduate. She was made to sign blank paper on the promise of a government job.

There is a certificate of marriage between the first petitioner and the de-facto complainant. The certificate of marriage is yet to be assailed before an appropriate forum. The de-facto complainant is aware of the existence of the certificate of marriage.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 nos. 1 (Julias Niar) and 2 (Antonny Mohammad @ Iltutmiss Nayer) shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and petitioner nos. 3 (Rabeya Khatun @ Rabeya Begum) and 4 (Jasmin Nehar @ Jasmin Nehar Begum) shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition

that the petitioners 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 petitioners 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.)