

09.11.2022

44

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5110 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Balurghat** Police Station Case No. **412** of **2022** dated **13.06.2022** under Sections 417/376/323/109/34 of the Indian Penal Code, 1860.

And

In Re : Bharat Malla

..... petitioner

Mr. Kaushik Chaudhury

Ms. Busra Khatun

....for the petitioner

Mr. Iqbal Kabir

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The police complaint is a result of a relationship turning sour. Four of the co-accuseds were granted anticipatory bail.

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.). He submits that the victim was forced to undergo an abortion.

The 164 Cr.P.C. statement of the victim states that the victim went with the petitioner voluntarily. She entered into the relationship voluntarily.

The victim is an adult.

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 Investigation 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.)