

17.11.2022

13

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5245 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ranaghat Women** Police Station Case No. **121** of **2022** dated **13.09.2022** under Sections 376/417/341/323/506/34 of the Indian Penal Code, 1860.

And

In Re : Tapan Halder

..... petitioner

Mr. Asraf Mondal

....for the petitioner

Ms. Sananda Bhattacharya

....for the de-facto complainant

Mr. N. P. Agarwala

Mr. M.F.A. Begg

....for the State

Petitioner prays for anticipatory bail.

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

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.) and to the medical examination report.

Learned advocate appearing for the de-facto complainant submits that, the incident occurred on September 6, 2022.

164 Cr.P.C. statement of the victim read with the First Information Report suggest that the incident took place on

September 6, 2022. They also suggest that the victim and the petitioner were in a relationship. The victim is a widow with a child.

The medical examination report of the victim records that the incident was one month back. Such report also suggest that there was a sexual interference.

In view of the contents of the complaint and the 164 Cr.P.C. statement and in view of the fact that there was a previous relationship between the parties and considering the fact that both the parties are adult, 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 Investigating Officer once a week 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.)