

29.11.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5522 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raiganj Women** Police Station Case No. **159** of **2022** dated **28.09.2022** under Sections 493/417/376/506/109 of the Indian Penal Code, 1860.

And

In Re : Mizanur Rahaman

..... petitioner

Mr. Kunal Ganguly

....for the petitioner

Mr. Imran Ali

Ms. Debjani Sahu

....for the State

The petitioner and the victim are adults.

In her statement recorded under Section 164 of the Code of Criminal Procedure, the victim claims that, the petitioner entered into a physical relationship with her on September 24, 2022 on a promise to marry.

The issue as to whether there was a promise to marry or whether any physical relationship occurred on such date or not, are issues to be decided at the trial.

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 Investigating Officer once a month 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.)