

02.12.2022

16

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5612 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Haringhata** Police Station Case No. **412** of **2022** dated **16.11.2022** under Sections 376/417 of the Indian Penal Code, 1860.

And

In Re : Salman Khan

..... petitioner

Mr. Sananda Bhattacharya

....for the petitioner

Mr. Ashok Ahammed

....for the de-facto complainant

Mr. Arijit Ganguly

Mr. Avik Ghatak

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner is 26 years of age when the de-facto complainant is being about 20 years of age. The de-facto complainant threatened the petitioner with committing suicide previously. There was a relationship between the two. The police case was filed subsequent to the relationship turning sour.

Learned advocate appearing for the State draws the attention of the Court to the statements made by the de-facto complainant under Sections 161 and 164 of the Code of Criminal Procedure (Cr.P.C.).

Learned advocate appearing for the de-facto complainant submits that, the petitioner took obscene photographs of the de-facto complainant in his mobile phone.

There are discrepancies in the statements of the de-facto complainant between those recorded in the First Information Report, the 161 Cr.P.C. and 164 Cr.P.C. statements.

Petitioner relies upon whatsapp messages to suggest that the de-facto complainant threatened the petitioner previously with committing suicide.

Both the persons are adults.

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 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.

Petitioner will surrender his mobile phone to the Investigating Officer forthwith.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)