

07.07.2022.

Ct.No. 1

Item No. 19

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*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (A) 304 of 2022

In Re:- An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973, filed on 20.06.2022 in connection with Mathabhanga Police Station Case No. 222 of 2016 dated 22.07.2016 under Sections 451/376(2)(n)/417/354/323/34 of the Indian Penal Code.

And

In the matter of : **Ekramul Haque @ Ekramul Miah**
...petitioner

Mr. Hillol Saha Podder,
Ms. Mousumi Das.

...For the petitioner

Mr. Arun Kr. Sarkar,
Mr. Sagnik Sankho Sikdar

.....For the State

The anticipatory bail is sought on the ground that the investigation has been completed and charge sheet has been filed.

It appears to this Court that the complainant admittedly had a love affair with the petitioner and had physical relations. It is also clear from the charge sheet that physical relations happened on a promise to marry.

It is submitted by the learned counsel for the petitioner that the victim is now married to another person.

Counsel for the State opposes the prayer for anticipatory bail.

This Court has carefully considered the charge sheet and materials on record. Since the physical relation had occurred between the accused and the victim on, inter alia, the promise to marry, this Court is inclined to grant anticipatory bail to the petitioner.

It is directed that in the event of arrest, the petitioner shall be released on bail to the satisfaction of the arresting officer upon furnishing Bond of Rs.15,000/- on condition that the order shall remain valid for a period of two weeks within which the petitioner shall surrender before the Court concerned for regular bail.

It is further directed that after release, the petitioner shall attend the jurisdictional Court when the matter is fixed for hearing unless he is prevented by any reason beyond his control.

We make it clear that if the petitioner fails to make himself available before the Trial Court, the Trial Court shall have the liberty to cancel the bail granted to the petitioner and take him into custody without any further reference to this Court.

This order is subject to the conditions laid down in sub-Section (2) of Section 438 of the Code of Criminal Procedure.

The Case Diary be returned.

C.R.M. (A) No. 304 of 2022 is, thus, disposed of.

Let a copy of this order be communicated to the Superintendent of Police, Cooch Behar, and a copy of the same be communicated to the learned ACJM, Mathabhanga, Cooch Behar.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Ananda Kumar Mukherjee, J.) (Rajasekhar Mantha, J.)