

13.07.2022.

Item No. 32

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

C.R.M. (A) No. 346 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 08.07.2022 in connection with Ghoksadanga Police Station Case No. 161 of 2022 dated 16.04.2022 under Sections 448/376/506 of the Indian Penal Code.

And

In the matter of: **Rahul Miah.** ...petitioner

Ms. Suman Sehanabis (Mandal),
Mr. Alok Sah. ...For the petitioner

Mr. Kallol Acharjee,
Mr. Tapan Bhattacharjee.For the State

Anticipatory bail is sought on the ground that the petitioner and the victim were having a long standing affair with each other prior to the victim's marriage even thereafter.

It further transpires that when the victim and the petitioner were caught by the husband in a compromising position, a complaint was lodged by the victim as a face saving measure.

Counsel for the State opposes the prayer for anticipatory bail.

Having considered the materials in the case diary and in view of the facts as aforesaid, this Court is inclined to allow 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 a Bond of Rs.5,000/- 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.

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. 346 of 2022 is, thus, disposed of.

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.)