

17.01.2023
Serial no.21
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 193 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Manikchak** Police Station Case No. **537** of **2022** dated **20.09.2022** under Sections **417/376/506/34** of the Indian Penal Code.

-And-

In the matter of : **Md Rafiqul Islam @ Md Rafiqul**
... .. Petitioner

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick, Advocates
... .. *For the Petitioner*

Mr. Saibal Bapuli, Id. APP
Mr. Arijit Ganguly,
Mr. Sanjib Kr. Dan, Advocates
... ..*For the State*

The victim and the petitioner are adults.

In her statement recorded under Section 164 of the Criminal Procedure Code, the victim acknowledges that there was a relationship between her and the petitioner. In such circumstances, need for custodial interrogation of the petitioner is not felt.

Consequently, we are inclined to 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/- (Rupees Ten Thousand Only), 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 report before the

Investigating Officer once in a month till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 193 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)