

01.02.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 420 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Pukhuria** Police Station Case No. **395** of **2022** dated **12.09.2022** under Sections 417/376/109 of the Indian Penal Code.

And

In Re : Mohammad Mokim

..... petitioner

Mr. Kazi M Rahaman

....for the petitioner

Mr. Sudip Kumar

....for the State

Both the de-facto complainant and the petitioner are adults. They entered into a relationship voluntarily. They are supposed to be aware of the consequences of such relationship.

In such circumstances, considering the contents of the statement of the de-facto complainant recorded under Section 164 of the Code of Criminal Procedure, their respective ages and the other materials in the case diary, 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 as and when called for 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.)