

27.02.2023
Serial no. 06
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 817 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No. **1417** of **2022** dated **03.12.2022** under Sections **448/376/506** of the Indian Penal Code, corresponding to G.R. Case no. 3304/2022.

-And-

In the matter of : **Rafikul Islam @ Fitu**
... .. Petitioner

Mr. Kalidas Saha, Advocate
... .. For the Petitioner

Mr. Pravas Bhattacharya,
Mr. M.F.A Begg, Advocates
... ..For the State

There is a previous police complaint at the behest of the de facto complainant where, the de facto complainant claimed that the petitioner cohabited with her on the promise of marriage.

The petitioner obtained bail in such police case.

The de facto complainant is married.

Thereafter, the present police case was lodged complaining about rape.

There is an issue of false implication involved.

In such circumstances, 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 fortnight 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) 817 of 2023 is **disposed of**.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)