

20.03.2023
Serial no. 24
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 1128 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Bishnupur** Police Station Case No. **15** of **2023** dated **29.01.2023** under Sections **417/376** of the IPC.

-And-

In the matter of : **Rajesh Kumar Pal**

... .. Petitioner

Mr. Sudipto Moitra, Id. Sr. adv.
Mr. Samiran Mandal,
Mr. Abhinaba Dan,
Mr. Nitish Samanta, Advocates
... .. *For the Petitioner*

Mr. Tanmoy Kr. Ghosh, Id.SGA
Ms. Pritha Paul, Advocate
... ..*For the State*

The de facto complainant recorded a statement under Section 164 of the Criminal Procedure Code. In such statement she claims that, she was in a relationship with the petitioner for the past one and half years. The petitioner entered into a physical relationship with her on the promise of marriage. The petitioner used to assault her. She became pregnant twice and was made to undergo abortion.

Learned senior advocate appearing for the petitioner submits that the de facto complainant was married when she entered into the relationship. She obtained divorce in the year 2021 only.

The materials in the case diary do not corroborate the claim of abortion.

Both the petitioner and the de facto complaint are adults. They entered into a relationship knowingly.

The issue as to whether, there was any physical relationship and whether such physical relationship was occasioned in the manner as claimed by the de facto complainant are issues which required to be decided at the trial.

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 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) 1128 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)