

28.03.2023

Sl.44

Court No.29

(AD)

(Allowed)

C.R.M. (A) 1279 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bauria** Police Station Case No.**73 of 2022** dated **16.05.2022** under Sections **406/417/376/506/34** of the Indian Penal Code corresponding to G.R. Case No.1119 of 2022.

And

In the matter of: **Md. Irshad**

....petitioner.

Mr. Ayan Mitra
Ms. Antara Panja
Ms. Supriya Majumdar
Mr. Atanu Das

... for the petitioner.

Mr. Bidyut Kumar Roy
Ms. Rita Datta

...for the State.

Petitioner prays for anticipatory bail.

It is claimed on behalf of the petitioner that, the husband of the de facto complainant is still alive. Apparently, there was a relationship between the de facto complainant and the petitioner which the de facto complainant acknowledges in her statement recorded under Section 164 of the Code of Criminal Procedure.

As to whether, two adults, entered into a relationship knowing their marital status made promises to each other as claimed by the de facto complainant, is an issue which is required to be decided at the trial, if so raised.

In such circumstances, 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/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a month 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 1279 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)