

03.04.2023

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Ct. No. 29

CHC

Allowed

C.R.M.(A) 1385 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Harishchandrapur** Police Station Case No. **85** of **2023** dated **01.02.2023** under Sections **417/376** of the Indian Penal Code.
And

In the matter of : Sk. Eniyet Ali @ Enayet Ali @ Inayet Ali
..... petitioner

Ms. Minoti Gomes,
Mr. Asfak Ahammed
....for the petitioner

Mr. Pravas Bhattacharya,
Mr. Mirza Firoj Ahmed Begg
....for the State

The de facto complainant is an adult.

In her statement recorded under Section 164 of the Criminal Procedure Code, the de facto complainant admits a long standing relationship between her and the petitioner. According to her, the petitioner refused to marry her.

As to whether the petitioner is guilty of the offences as claimed and whether there was any promise to marry or not are issues which should be decided at the trial, if so raised.

Both the de facto complainant and the petitioner being adults, we deem it appropriate 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 meet the Investigating Officer once in a month till the conclusion of 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.)