

10.04.2023
27 & 33
Ct. No. 29
KAUSHIK
allowed

C.R.M.(A) 1493 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. **180** of **2023** dated **04.03.2023** under Sections 417/376 of the Indian Penal Code.
And

In Re : Abul Kashim @ Abul Kasim

..... petitioner

with

C.R.M.(A) 1500 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. **66** of **2023** dated **23.01.2023** under Sections 498(A)/323/308/506/34 of the Indian Penal Code read with Sections 3/ 4 of the Dowry Prohibition Act.
And

In Re : Abul Kashim @ Abul Kasim

..... petitioner

Mr. Kallol Mondal

Mr. Souvik Das

Mr. S. Laskar

....for the petitioner in both the applications

Md. Anwar Hossain

Ms. Sreyashee Biswas

....for the State in CRM(A) 1493 of 2023

Mr. Pravas Bhattacharya

Mr. M. F. A. Begg

....for the State in CRM(A) 1500 of 2023

Two applications for anticipatory bail are taken up for consideration analogously as the police complaint is directed against the same petitioner.

In CRM (A) 1493 of 2023, the de-facto complainant recorded her statement under Section 164 of the Code of Criminal Procedure (Cr.P.C.) where, she states that there was a love affair between her and the petitioner. The petitioner, apparently, promised her marriage. However, the petitioner did not marry her. However, the petitioner entered into a physical relationship with her by reason of which, she became pregnant.

Both the petitioner and the de-facto complainant are adults. They are supposed to know the consequences of their action. As to whether any physical relationship was entered into by the petitioner or not and whether the petitioner held out the promises as claimed, are issues which may be decided at the trial.

The same 164 Cr.P.C. statement of the de-facto complainant states that the marriage did not take place.

In such circumstances, 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/-, 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.

These applications for anticipatory bail are, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)