

18.04.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1619 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mothabari** Police Station Case No. **50** of **2023** dated **23.02.2023** under Sections 448/417/376 of the Indian Penal Code, 1860.

And

In Re : Laltu Sk.

..... petitioner

Mr. Arup Kumar Bhowmick
....for the petitioner

Mr. Angshuman Chakraborty
....for the State

De-facto complainant and the petitioner are adults.

De-facto complainant in her statement recorded under Section 164 of the Code of Criminal Procedure admits a relationship. According to the de-facto complainant, physical relationship was developed on the promise of marriage.

As to whether there was any physical relationship or whether such physical relationship was entered into on the promise as claimed by the de-facto complainant are issues to be decided at the trial, if 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/-, 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)