

21.04.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1689 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raghunathganj** Police Station Case No. **184** of **2023** dated **04.03.2023** under Section 376 of the Indian Penal Code.

And

In Re : Md. Taki Ahmmad alias Ahamed

..... petitioner

Ms. Shabana Hasin

....for the petitioner

Ms. Sreeparna Das

....for the State

The victim in her statement recorded under Section 164 of the Code of Criminal Procedure acknowledges that, there was a relationship between her and the petitioner.

She claims that, she was raped and that thereafter, the petitioner refused to marry her.

There is a medical examination report which does not speak of any injury being suffered by the victim.

Both the petitioner and the victim are adults.

Petitioner claims that the victim is married to a different person.

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 once a week 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.)