

24.04.2023

19

Ct. No. 29

CHC

Allowed

C.R.M.(A) 1725 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection **Rejinagar** Police Station Case No. **89** of **2023** dated **05.04.2023** under Sections **417/376/120B/506/34** of the Indian Penal Code.

And

In the matter of : Sahin Mondal

..... petitioner

Mr. Asraf Mandal

....for the petitioner

Mr. Imran Ali,

Mrs. Debjani Sahu

....for the State

Statement of the de facto complainant under Section 164 of the Criminal Procedure Code is yet to be recorded.

There is a delay in lodgement of the First Information Report.

Both the de facto complainant and the petitioner are adults.

The medical examination report of the de facto complainant records that physical relationship was developed between the private parties on the promise of marriage.

The issue as to whether there was any physical relationship between the parties and whether such relationship

was entered into a promise of marriage as claimed by the de facto complainant, are issues which may be decided at the trial if so raised.

Considering the age of the petitioner and the materials in the case diary, 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 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 fortnight 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.)

(Rai Chattopadhyay, J.)

