

01.05.2023

19

Ct. No. 29

CHC

Allowed

C.R.M.(A) 1831 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Goplanagar** Police Station Case No. **203** of **2023** dated **13.04.2023** under Sections **376/417** of the Indian Penal Code, 1860.

And

In the matter of : Samrat Mallick

..... petitioner

Mr. Malay Bhattacharyya,
Mr. Subhrajyoti Ghosh,
Ms. Sudipa Sengupta
....for the petitioner

Mr. Saswata Gopal Mukherji, Ld. P.P.,
Mr. Partha Pratim Das,
Ms. Eshita Dutta
....for the State

Two adults entered into a relationship.

The de facto complainant in her statement recorded under Section 164 of the Criminal Procedure Code claimed that the cohabitation was forced on her on the promise of marriage.

The de facto complainant was married when she entered into a relationship.

As noted above, both the de facto complainant and the petitioner are adults. They are supposed to be aware of the consequences of their relationship.

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/- (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 report before 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.)