

01.05.2023

23

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1835 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Banshihari** Police Station Case No. **191** of **2022** dated **10.08.2022** under Sections 417/376/506 of the Indian Penal Code, 1860.

And

In Re : Mijanur Islam @ Mijanur Rahaman

..... petitioner

Mr. M. H. Chowdhury

....for the petitioner

Mr. Pravas Bhattacharya

Mr. M. F. A. Begg

....for the State

The victim recorded her statement under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

The victim is an adult.

In her 164 Cr.P.C. statement, the victim acknowledges that there was a relationship between her and the petitioner. According to her, a physical relationship was entered into on the promise of marriage.

The application for anticipatory bail suggests that the victim was married to a different person.

As to whether there were promises as claimed by the victim or not and whether there was a physical relationship between the victim and the petitioner are issues, which are required to be decided at the trial. Both the petitioner and the

victim are adults and 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/-, 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.)

