

02.05.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1859 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kolkata Leather Complex** Police Station Case No. **07** of **2023** dated **11.01.2023** under Sections 417/376/506 of the Indian Penal Code, 1860.

And

In Re : Sk. Babul

..... petitioner

Mr. Kushal Kumar Mukherjee

Ms. Eshita Aich

....for the petitioner

Mr. Santanu Deb Roy

Mr. D. Guha

....for the de-facto complainant

Mr. Bidyut Kumar Roy

Ms. Rita Dutta

....for the State

Petitioner, State and the de-facto complainant are represented.

Petitioner and the de-facto complainant were in a relationship as acknowledged by the de-facto complainant in her statement recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

The de-facto complainant claims that, she was raped on the promise of marriage.

It is contended on behalf of the de-facto complainant in Court that the petitioner suppressed the fact that he was a married person.

Both the de-facto complainant and the petitioner are adults.

The issue as to whether the physical relationship as stated by the de-facto complainant during her medical examination was on the basis of promise to marry or not is an issue, which may be looked into at the trial.

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 fortnight 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.)