

15.05.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1983 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ranaghat** Police Station Case No. **228** of **2023** dated **21.04.2023** under Sections 376/417/323 of the Indian Penal Code, 1860.

And

In Re : Niloy Rakshit

..... petitioner

Mr. Sankar Biswas

Ms. Ananya Adhikary

....for the petitioner

Mr. Sutapa Banerjee

Mr. Imran Ali

....for the State

Petitioner and the de-facto complainant are adults.

Apparently, the de-facto complainant entered into a physical relationship with the petitioner knowing fully well that the petitioner was married and with children. As an adult, the de-facto complainant is supposed to be aware of the consequences of the relationship.

As to whether the relationship was entered into on the factual matrix, as claimed by the de-facto complainant, is an issue which may be looked at during the trial, if so raised.

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.)