

16.05.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 2013 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No. **12** of **2023** dated **02.01.2023** under Sections 417/376/323/379/34 of the Indian Penal Code, 1860.

And

In Re : Hasibul Ali @ Hasiful Ali

..... petitioner

Ms. Minoti Gomes

Mr. Sourav Mukherjee

....for the petitioner

Ms. Sayanti Santra

....for the State

De-facto complainant and the petitioner are adults.

There was a previous relationship between the private parties. On the strength of such relationship, it is claimed that, the petitioner entered into a physical relationship with the de-facto complainant on promise of marriage. Both are adults as noted above. They are supposed to be aware of the consequences of their relationship. As to whether any physical relationship was entered into at all or whether such relationship was on the basis of the factual matrix, as claimed by the de-facto complainant, are issues which may be looked into at 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 once a month 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.)