

12.07.2023

Sl. 11
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 2407 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Minakhan** Police Station Case No. **120** of **2023** dated **11.04.2023** under Sections **417/376/323/506/509/34** IPC.

And

In the matter of: **Mostafabin Kasem Gazi**

....petitioner.

Md. Jannat Ul Firdous

...for the petitioner.

Mr. Joydeep Roy
Ms. Sujata Das

...for the State.

1. Heard learned Counsel for the parties.
2. There is allegation that the petitioner kept physical relationship with the victim, first forcibly and thereafter, with promise to marry her.
3. Learned Counsel for the petitioner on the other hand submits that earlier on two occasions similar FIR had been filed against two persons by the present informant as per pages 8 and 9 of this bail application.
4. We, however, not going into the merit of such defence plea at this stage.
5. The investigation is stated to have progressed substantially.
6. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, the fact that both the petitioner and the victim are major and substantial progress in the investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest in the aforesaid P.S. case on such terms and conditions

as deemed just and proper in the facts and circumstances of the case including the conditions that (i) the petitioner shall appear before the I.O. once in a week on the day and time fixed by the I.O. till submission of F.F. (ii) he shall not threaten, induce or coerce the informant or any other witness of this case during the currency of this order.

7. The petitioner is directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.
8. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being **CRM (A) 2407 of 2023** is disposed of.
10. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Apurba Sinha Ray, J.)

