

19.07.2023
SL. 9
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 2425 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Habibpur** Police Station Case No. **156 of 2023** dated **10.05.2023** under Sections **376/506/34** of the IPC corresponding to G.R. Case No. **2923 of 2023**.

And

In the matter of: **Nirmal Mandal & Anr.**

....petitioners.

Mr. Kazi Mokhlasur Rahman

...for the petitioners.

Mr. Md. Anwar Hossain

Ms. Sreyashee Biswas

...for the State.

1. Heard learned Counsel for both the parties.
2. The victim is stated to have love affairs and physical relationship with petitioner No. 1 since 17 years and the present FIR has been filed when petitioner No. 1 contacted a second marriage. In her statement recorded under Section 164 Cr.P.C. the victim has stated that she was with petitioner No. 1 as married couple for the last 17 years. So far as petitioner No. 2 is concerned there is no allegation in the Fir as well as in the statement recorded under Section 164 Cr.P.C. of the victim. It is, however, alleged that the present petitioner No. 2 had threatened the victim. The investigation is stated to have progressed substantially.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation and substantial progress in investigation, it is directed that each of the petitioner shall be released on bail by the Arresting Officer in the event of their 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.

4. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
5. Within 21 days from today each of the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 2425 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

