

28.07.2023
tkm/ct 28
sl no. 44

C.R.M. (A) 2836 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kotwali P.S case no. 624 of 2021 dated 30.6.2021 under sections 417/323/376/379/506/34 IPC

And

Allowed

In Re : Raja Paka

..... petitioner

Mr. Amanul Islam
Mr. S Mukherjee

..... for the petitioner

Mr. B K Roy
Ms. Sima Biswas

..... for the State

It is submitted on behalf of the petitioner that the victim lady was married to another person. After divorce, they started living together. Subsequently he has been falsely implicated in the case. He prays for anticipatory bail.

Learned lawyer for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Victim was a major lady. It is contended after divorce she started living with the petitioner. Allegation of rape requires to be assessed in the light of the aforesaid fact during trial.

Under such circumstances, we are inclined to 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, 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

Petitioner shall appear before the court below and pray for
regular bail within four weeks from date.

The application being CRM (A) 2836 of 2023 is disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)