

17.08.2023
tkm/ct 28
spl no. 23

C.R.M. (A) 3552 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Harishchandrapur P.S case no. 574 of 2023 dated 21.6.2023 under sections 417/376/313/506 IPC
And

Allowed

In Re : Md. Sohikul Islam @ Sohikul Islam petitioner

Ms. M Gomes

..... for the petitioner

Mr. S G Mukherjee, Id PP
Ms. Faria Hossain
Ms. Baisali Basu

..... for the State

1. It is submitted on behalf of the petitioner that there was an intimate relationship between the parties for last three years. Subsequently, he has been falsely implicated. He prays for anticipatory bail.
2. Learned lawyer for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record including the statement of the victim lady. It appears that there was an intimate relationship between the parties. Victim was major at the time of cohabitation. Allegation of rape requires to be assessed in the light of the aforesaid circumstances during trial.
4. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.
5. 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.

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

7. The application being CRM (A) 3552 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)