

08.09.2023

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[Allowed]

C. R. M. (A) 3654 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Golabari Police Station Case No. 232 of 2023 dated 22.07.2023 under Sections 417/376 of the Indian Penal Code.

In Re: ***Md. Abdulla.***

... .. Petitioner

Mr. S. Das Mahapatra,
Mr. S. Basu Roy Chowdhuri.

... .. for the petitioner

Mr. Sudip Kumar.

... .. for the State

1. It is contended on behalf of the petitioner there was a romantic relationship between the parties. He has been falsely implicated. He prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits petitioner cohabited with the victim on the false promise of marriage. Subsequently, he has resiled from such promise.

3. We have considered the materials on record. There was free mixing between two young persons. Allegation of rape is required to be assessed in the light of the aforesaid circumstance during trial.

4. Under such circumstances, we are of the opinion custodial interrogation for progress of investigation is not necessary and he may be enlarged on anticipatory bail.

5. Accordingly, we direct that in the event of arrest, the petitioner viz., ***Md. Abdulla*** 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and he shall appear before the court below and pray for regular bail within four weeks from date.

6. The application for anticipatory bail is, thus, disposed of.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)