

29.11.2023
tkm/ct 28
spl no. 60

C.R.M. (A) 4887 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Raninagar P.S case no. 339 of 2023 dated 2.7.2023 under sections 376/379/417 IPC

And

Allowed

In Re : Nizam Sk @ Mijanul Sekh petitioner

Mr. G N Imrohi

..... for the petitioner

Mr. S S Imam

Ms. R Jana

..... for the State

1. Heard learned lawyers for the parties.
2. We have considered the materials on record. Victim was a major lady at the time of cohabitation. Allegation of rape requires to be assessed in the light of the aforesaid circumstance. In view of the nature of accusation progress of investigation does not require custodial interrogation, but petitioner requires to co-operate with the investigating agency in accordance with law.
3. 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. Petitioner shall meet the investigation officer once in a week until further order.
4. Petitioner shall appear before the court below and pray for regular bail within four weeks from date.
5. The application being CRM (A) 4887 of 2023 is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)