

03.02.2023

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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (A) 770 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 20.12.2022 in connection with Samuktala Police Station Case No. 287 of 2022 dated 26.10.2022 under Sections 376/417/109 of the Indian Penal Code.

In the matter of : Rafikul Islam @ Rafiq Islam

... petitioner

Mr. Arijit Ghosh,
Ms. Swarnali Ghosh (Sengupta)

...for the petitioner

Mr. Abhijit Sarkar,
Mr. Kallol Nag

.....for the State.

Heard learned counsel for the parties.

Learned counsel appearing for the petitioner submits that there was admittedly a love affair between the petitioner and the victim for at least one and half year. As such, subsequently, when the relationship did not mature, the allegations have been brought against the petitioner.

Learned counsel appearing for the State objects to the prayer for anticipatory bail.

However, from the statements recorded under Sections 161 and 164 of the Code of Criminal Procedure it is clear that there was previous relation between the petitioner and

the victim and the scope of doubt cannot be ruled out in the present case.

Accordingly, CRM (A) 770 of 2022 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the conditions as stipulated in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Alipurduar and on further condition that the petitioner shall not leave the territorial jurisdiction of the concerned police station during the period of investigation and shall meet the Investigating Officer once in a fortnight.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)