

30.4.2024
SL No. 40
Ct No. 29
SB

C.R.M (A). 1085 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Domkal** P.S. Case No. 75 of 2024 dated 01.02.2024 under Sections 420/406/363/365/376(2)(n)/354(c) of the Indian Penal Code.

And

In the matter of: Md. Badiurjaman Mia & Anr.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulami Bose

...for the Petitioner.

Mr. Rana Mukherji,
Ms. Debadrita Mondal

...for the State.

Mr. Arani Bhattacharyya

...for the de facto complainant.

1. Petitioners pray for anticipatory bail.
2. Learned counsel appearing for the petitioners submits that petitioners were falsely implicated. He draws the attention of the Court the fact that there is previous court complaint against the de facto complainant wherein she appeared and obtained bail.
3. There is a marriage between the petitioner and the de facto complainant.
4. State and the de facto complainant are represented.
5. Learned counsel appearing for the State submits that money was paid to the petitioner on account of promise for government job. He also refers to the statement recorded under Section 164 of the Code of Criminal Procedure of the de facto complainant.
6. Learned counsel appearing for the de facto complainant submits that the de facto complainant was asked to sign several documents

which she signed. She did not enter into with marriage to the petitioner.

7. In response to the query of the Court, learned counsel for the de facto complainant submits that the de facto complainant studied upto Class 12. De facto complainant is also present in Court.
8. We perused the statements recorded under Section 164 of the Code of Criminal Procedure of the de facto complainant. In such statement she speaks of money being given to the petitioner on promise of job. She also speaks of being raped by the petitioner.
9. Possibility of false implication exists.
10. The present police complaint was filed subsequent to the earlier court complaint filed by the petitioner. The present police case relates to the incident atleast four months prior to the date of the lodging of the police case.
11. In such circumstances, we grant anticipatory bail to the petitioners.
12. Accordingly we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each 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. The petitioner no. 1 shall appear before the Investigating Officer once in a week till the conclusion of the investigation. The petitioner no. 2 will co-operate with the investigation. The petitioners shall appear on every date before the Jurisdictional Court on and from the date fixed for appearance of the accused and in default the Jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

13. This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)