

03.04.2024
Item No.86
AD/SD
Court No.28
(Allowed)

C.R.M. (A) No. 1112 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Dubrajpur** Police Station Case No. **34 of 2024** dated **07.02.2024** under Sections **417/376/506** of the Indian Penal Code, 1860 pending before the learned Judicial Magistrate Dubrajpur, Birbhum. (G.R. Case No.81 of 2024)

And

In Re : Ujjwal Das @ Rajib Das

..... petitioner

Mr. Kunal Ganguly

.....for the petitioner

Mr. Debasish Roy, Ld. PP

Mr. Arijit Ganguly

Mr. Mirza Firoj Ahmed Begg

....for the State

Mr. Sandip KUndu

Mr. Amit Kumar Ghosh

... for the de facto complainant/O.P. No.2.

1. Petitioner submits victim is a married lady and had voluntarily cohabitated with him. He prays for anticipatory bail.
2. Learned lawyer for the State opposes the prayer for anticipatory bail.
3. Learned lawyer for the de facto complainant submits petitioner had forcibly raped her and thereafter promised to marry her.
4. We have considered the materials on record. Victim is a married lady with children. She stated before the Magistrate that petitioner had made romantic advances but she resisted. Thereafter, he took her to a different place and raped her. But no contemporaneous complaint was lodged. Victim contends she had kept

quiet as petitioner promised to marry her. It is undeniable she had a previous subsisting marriage.

5. In view of the aforesaid fact, whether the allegation of forcible rape is credible requires to be addressed in course of trial. There is no necessity for custodial interrogation for progress of investigation and the petitioner may be granted anticipatory bail.
6. 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 and on condition that he shall appear before jurisdictional Court and pray for regular bail within a period of four weeks from date and on further condition that he shall meet the Investigating Officer once a week until further orders.
7. The prayer for anticipatory bail of the petitioner is allowed.
8. **C.R.M. (A) No. 1112 of 2024** is disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)