

30.04.2024

Item No.15

Ct. No. 29

CHC

Allowed

C.R.M.(A) 1514 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **English Bazar** Police Station Case No. **251** of **2024** dated **19.02.2024** under Sections **376/406/506/509** of the Indian Penal Code, pending before the Court of Learned Chief Judicial Magistrate, Malda.

And

In the matter of : Papai Mandal

..... petitioner

Mr. Mrityunjoy Chatterjee,
Mr. Arindam Poali
....for the petitioner

Mr. Sujan Chatterjee
....for the State

Mr. Aliul Islam
....for the de facto complainant

Petitioner prays for anticipatory bail.

Petitioner before us is a personnel belonging to the Boarder Security Force.

The police complaint was lodged pursuant to an order under Section 156(3) of the Criminal Procedure Code.

The contents of such application speak of a relationship between the two adults commencing from at least 2022.

Learned advocate appearing for the de facto complainant relies upon certain facebook posts allegedly made at the behest of the petitioner.

The few pages which were relied upon on behalf of the de facto complainant do not contain the name of the petitioner as the person who posted such material in the social media. That apart, in response to a query of the Court, learned advocate appearing for the de facto complainant submits that posts are of considerable age.

De facto complainant is married to a different person.

As adults, both the petitioner and the de facto complainant should be aware of the consequences of their relationship.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), 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 further condition that the petitioner will report before the Investigating Officer once in a week till the conclusion of investigation and on condition that the petitioner 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 1514 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)