

09.05.2024
Item No.18
Ct. No. 29
CHC
Allowed

C.R.M.(A) 1634 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Manikchak** Police Station Case No. **200** of **2024** dated **10.03.2024** under Sections **493/376/406/417/120B** of the Indian Penal Code, pending before the Learned Chief Judicial Magistrate, Malda.

And

In the matter of : Naba Kumar Mandal

..... petitioner

Mr. Sanat Kumar Das,
Mr. Sujan Chatterjee,
Mr. Rohan Bavishi
....for the petitioner

Mr. Shekhar Barman
....for the State

Affidavit-of-service filed in Court be taken on record.

None appears for the de facto complainant.

De facto complainant recorded her statement under Section 164 of the Criminal Procedure Code where, she says that, there was a proposal of marriage between her and the petitioner. In fact, application for registration of such marriage was made.

Apparently, after submission of such registration, the petitioner did not want to proceed with such application and refused to marry.

De facto complainant was medically examined whereupon the Doctor found no sign of use of force. However, Doctor stated that possibility of sexual violence cannot be ruled out.

De facto complainant in her statement recorded under Section 164 of the Criminal Procedure Code claims that there was a physical relationship between her and the petitioner.

Both are adults. As adults, there are supposed to 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) 1634 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)