

02.01.2024
Item No.44
Ct. No. 29
CHC
Allowed

C.R.M.(A) 4260 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raghunathganj** Police Station Case No. **713/2023** dated **23.8.2023** under Sections **376/417** of the Indian Penal Code.
And

In the matter of : Rahul Shaikh

..... petitioner

Mr. Bitasok Banerjee,
Mr. Abdus Salam
....for the petitioner

Mr. Bidyut Kr. Roy,
Ms. Rita Datta
....for the State

The petition is taken up for consideration subsequent to the order dated October 16, 2023.

By such order, the petitioner was enlarged on interim anticipatory bail.

It is submitted at the bar that, such order was passed without considering the materials in the Case Diary and in view of the ensuing Puja Vacation.

We perused the materials in the Case Diary.

The victim and the petitioner before us are adults.

Victim recorded her statement under Section 164 of the Criminal Procedure Code, where she states that, there was a relationship between her and the petitioner and that, the

petitioner entered into physical relationship with her on the promise of marriage.

The claims made by the victim are required to be adjudicated at the trial.

Since both are adults, and the victim acknowledges that they were in a relationship, we deem it appropriate to confirm the interim order of anticipatory bail granted on October 16, 2023.

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 month until 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) 4260 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)