

03.01.2024

Serial no. 61
Anticipatory bail

[Allowed]

Dd

CRM (A) 4365 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Santiniketan** Police Station Case No. **66** of **2023** dated **05.06.2023** under Sections **376/417** of the Indian Penal Code, 1860.*

(G.R. Case No. 515/2023)

-And-

*In the matter of : **Rabindranath Murmu***

*... .. **Petitioner***

Mr. Tapodip Gupta, Advocate

... .. For the Petitioner

Mr. Aanjib Kumar Dan, Advocate

... ..For the State

Leave granted to the learned advocate on record for the petitioner to correct the cause title.

Petition is taken up for consideration subsequent to order dated October 16, 2023.

By such order, interim anticipatory bail was granted by the co-ordinate Bench.

It is submitted at the Bar that the co-ordinate Bench did not consider the materials in the case diary and passed such order in view of the ensuing Puja vacation.

We perused the materials in the case diary.

The de facto complainant recorded a statement under Section 164 of the Criminal Procedure Code where, she stated that there was a physical relationship between her and the petitioner.

Both the petitioner and the de facto complainant are adults.

Whether the physical relationship was entered into on the promise as claimed by the de facto complainant or not is an issue which may be decided at the trial, if raised.

In such circumstances, we confirm the interim order granted on October 16, 2023.

Consequently, 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 shall report before the Investigating Officer once in a month till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 4365 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

