

28.02.2024

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Ct. No. 29

S.D.

Allowed

C.R.M.(A) 4533 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bankura Women Police Station** Case No. **120 of 2023** dated **11.08.2023** under Sections **376/417/323/326/506/34** of the Indian Penal Code.

And

In Re : **Bholanath Banerjee**

..... petitioner

Mr. Soumik Ganguli

...for the petitioner

Mr. P.K. Dutta

Mr. P. Ganguly

...for the State

Mr. Abhinaba Dan

Mr. Arkaprabho Roy

..for the defacto-complainant

Order granting interim protection to the petitioner exists till date.

Defacto-complainant is represented.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

Defacto-complainant is an adult.

Apparently, there was a relationship between the petitioner and the defacto-complainant.

Claim of the defacto-complainant is that she was taken to a temple with a promise of marriage when the petitioner did not marry her and thereafter made her drink a liquid whereupon she became unconscious and she was raped. A pre-existing

relationship between the petitioner and the defacto-complainant stands admitted.

As to whether there was any promise to marry or not, may be decided at the trial.

So far as the other aspects are concerned, police already filed charge sheet.

Need for placing the petitioner in custody at this stage is not felt.

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/-, 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. 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.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

