

05.01.2024

14
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 4534 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Jagatdal** Police Station Case No. **268** of **2023** dated **04.07.2023** under Sections 376/417/323/34/120B of the Indian penal Code.

And

In Re : Md. Amir petitioner

Mr. Gunjan Kumar Singh
Mr. Vijay Verma
Mr. Prakash Mishra
....for the petitioner

Mr. Anwar Hossain
Ms. Ratna Ghosh
...for the State

Mr. Sabyasachi Mukherjee
Mr. Sikandar Ansari
Mr. Mukesh Khanna
Mr. Mrinmay Nandy
Mr. Syed Neaz Ahmed
...for the defacto-complainant

The application for anticipatory bail is taken up for consideration subsequent to the order dated October 16, 2023 by the Coordinate Bench.

By such order dated October 16, 2023, the petitioner was enlarged on an interim anticipatory bail.

It is submitted at the bar that, the order granting interim anticipatory bail was passed just prior to the ensuing puja vacation without considering the materials in the case diary.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated. The police complaint is a result of a relationship that has soured.

State and the defacto-complainant are represented. The defacto-complainant recorded her statement under Section 164 Cr.P.C. In her statement, she acknowledged that there was a relationship between her and the petitioner.

Both the petitioner and the defacto-complainant are adults. They are supposed to be aware of the relationship that they entered into.

In such circumstances, we confirm the interim order dated 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/-, 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 meet before the Investigating Officer once a month till the conclusion of the 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.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)