

25.01.2024
Item No.429
Ct. No. 29
PG/KS
Allowed

C.R.M.(A) 5145 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Balurghat** Police Station Case No.**803** of **2023** dated **07.10.2023** under Sections **376/ 323/ 506** of the Indian Penal Code.

And

In the matter of : **Rakesh Gupta**

.....Petitioner.

Mr. Mrityunjoy Chatterjee
Mr. Debapriya Majumder
Mr. Arindam Paul

....for the Petitioner.

Ms. Baisali Basu

....for the State.

Petitioner and the de facto complainant are adults.

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

It is claimed by the de facto complainant that, she was raped on the promise of marriage.

As to whether the relationship entered into was on the parameters as claimed by the de facto complainant may be decided at the trial.

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 month 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.

C.R.M.(A) 5145 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)