

24.01.2024
ML.392
Court No.29
(AD)
(Allowed)

C.R.M. (A) 5101 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tamluk** Police Station Case No.**1124 of 2023** dated **26.09.2023** under Sections **341/323/376/406/506** of the Indian Penal Code, 1860 (G.R. Case No.3298 of 2023).

And

In the matter of: **Uttam Maity**

....petitioner.

Mr. Amal Krishna Samanta

... for the petitioner.

Mr. Tanmoy Kumar Ghosh, Ld. Sr. Government Advocate

Mr. M.F.A. Begg

...for the State.

De facto complainant is an adult.

She recorded her statement under Section 164 of the Code of Criminal Procedure where, she stated that petitioner before us was known to her. She claimed that she was raped.

De facto complainant is married.

Both the petitioner and the de facto complainant are adults.

Materials in the case diary suggests that the relationship between the de facto complainant and the petitioner went sour after the petitioner decided to enter into marriage with another person.

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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer as and when called for 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 5101 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)