

25.01.2024
Item No.63
Ct. No. 29
PG/KS
Allowed

C.R.M.(A) 5106 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Labpur** Police Station Case No.**108** of **2023** dated **04.08.2023** under Sections **376/ 417/ 120B** of the Indian Penal Code.

And

In the matter of : **Motilal Sekh @ Sekh Moti**

.....Petitioner.

Mr. Biswajit Hazra
Mr. Archisman Sain
Mr. S. K. Nadeem Ahmed

....for the Petitioner.

Mr. Prodipta Ganguli

....for the State.

Affidavit of service filed in Court today, be taken on record.

None appears for the victim despite service.

Leave granted to the petitioner to add the victim as a party.

Since service is complete on the victim, we take up the application for consideration.

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

It is submitted that the petitioner promised marriage and did not marry the victim.

Both the victim and the petitioner are adults.

As to whether the relationship was entered into the parameters as claimed by the victim 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 fortnight 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) 5106 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)