

01.02.2024
Item No.701
Ct. No. 29
PG/KS
Allowed

C.R.M.(A) 5424 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Barrackpore** Police Station Case No.**59** of **2023** dated **26.04.2023** under Sections **376/417/323/325/406/34** of the Indian Penal Code, 1860 arising out of Durgapore Police Station Case No. 535 of 2022 dated 4.11.2022 under Sections **376/417/323/325/406 / 34** of the Indian Penal Code, 1860 .

And

In the matter of : **Sri Sandeep Balmiki.**

.....Petitioner.

Mr. Shambhunath De

....for the Petitioner.

Mr. Ranabir Roy Chowdhury

Ms. Baisali Basu

....for the State.

Victim recorded a statement under section 164 of the Code of Criminal Procedure.

In such statement, victim claimed that the petitioner Sandeep established a physical relationship with her and that, petitioner refuses to marry her subsequently,

There is an undercurrent of family disputes between the private parties.

As to whether any relationship was entered into by the petitioner, as spoken by the de facto complainant or not, 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 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.

C.R.M.(A) 5424 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)