

19.02.2024
DL-100
Court No.29
(AD)
(Partly
Allowed)

C.R.M. (A) 5650 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Pandua** Police Station Case No.**555 of 2023** dated **06.10.2023** under Sections **376/506/420/380/34** of the Indian Penal Code, 1860.(G.R. Case No.2844 of 2023).

And

In the matter of: **Najira Bibi @ Nasira Bibi @ Nasira Khatun & Anr.**

....petitioners.

Mr. Arunava Ganguly

...for the petitioners.

Mr. Ashok Das

... for the State.

Since petitioner no.2 (Md. Hosen @ Hosen Mohammad @ Sk. Kala) was arrested, **C.R.M. (A) 5650 of 2023** is dismissed as not pressed so far as the petitioner no.2 is concerned.

De facto complainant recorded her statement under Section 164 of the Code of Criminal Procedure where she acknowledges that she was in a relationship with the petitioner no.2 before us over a period of time. She claims that physical relationship was entered into on a promise to marry. De facto complainant was married to a different person when the relationship was entered into.

As to whether, petitioner no.2 entered into the relationship on the parameters as claimed by the de facto complainant, may be decided at the trial.

In such view, need for custodial interrogation of the petitioner no.1 is not felt.

In such circumstances, we grant anticipatory bail to the petitioner no.1 (Najira Bibi @ Nasira Bibi @ Nasira Khatun).

Accordingly, we direct that in the event of arrest, the petitioner no.1 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 no.1 will cooperate with the investigation till the conclusion of the investigation and on condition that the petitioner no.1 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 no.1 in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner no.1 is allowed.

C.R.M. (A) 5650 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)