

04.01.2024
Sl.27
Court No.29
(AD)
(Allowed)

C.R.M. (A) 5704 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No.**1482 of 2023** dated **02.11.2023** under Sections **417/493/376/109** of the Indian Penal Code, 1860, corresponding to G.R. Case No.3550 of 2023.

And

In the matter of: **Nasiruddin @ Nashir**

....petitioner.

Mr. Sagar Saha
Mr. Nurrobi Seikh

... for the petitioner.

Mr. Shekhar Barman

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the police complaint is a result of love relationship turning sour. The father of the de facto complainant did not agree to the marriage.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary.

We find that the victim is the de facto complainant and recorded her statement under Section 164 of the Code of Criminal Procedure. She stated that, she was taken to different places where the petitioner entered into a physical relationship with her.

It appears that the petitioner and the de facto complainant are adults.

Both of them travelled inter-State over a period of time. It is not conceivable that the de facto complainant could not come into contact with members of public to seek assistance over a period of

time.

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 once 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.

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

C.R.M. (A) 5704 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)