

23.12.2019

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allowed

C.R.M. No. 12109 of 2019

In Re.: An application under Section 438 of the Code of Criminal Procedure filed on 18.12.2019 in connection with Sitalkuchi Police Station Case No. 240 of 2019 dated 15.10.2019 under Sections 376/109/323/506 of the Indian Penal Code.

And

In Re : Nachhmir Mia @ Najmin Alom @ Nachhmir Alom @ Bappi ... petitioner

Mr. Arnab Saha

...for the petitioner

Mr. Arijit Ganguly,

Mr. Sanjib Kumar Dan

... for the State

It is submitted by the learned Counsel appearing on behalf of the petitioner that the victim is a major lady and had cohabited out of her own volition.

Learned Counsel appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner dishonestly cohabited with the victim and subsequently refused to marry her.

We have considered the materials on record. Victim was a major lady at the time of cohabitation and was aware of the consequences thereof. Under such circumstances, we are inclined to 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/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 on condition that the

petitioner shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)