

**CRM 7765 of 2020**

In Re: An application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure filed on 30.09.2020 in connection with Samshergunj Police Station Case No. 156 of 2020 dated 10.08.2020 under Sections 448/376/417 of the Indian Penal Code.

**Prokash Kumar @ Prakash Kumar**  
**Vs.**  
**The State of W. B.**

**Mr. Mounick Ghosh**  
**.....For the Petitioner**

**Ms. Faria Hssain**  
**Ms. Sonali Das**  
**.....For the State**

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the court. The petition is taken up through videoconference on the basis of such undertaking.

The learned counsel for the petitioner submits that the petitioner has been falsely implicated in the instant case.

The learned counsel for the State opposes the prayer for anticipatory bail.

It appears that the complaint was on the basis of assurance of marriage, which the present petitioner had breached. The informant is a major lady.

Having considered the materials on record and the extent of complicity of the petitioner in the alleged offence which prima facie appears to be consensual with a promise to marry, we are of the view that custodial interrogation of the petitioner may not be necessary.

Under such circumstances the anticipatory bail is allowed.

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, one of whom must be local, 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. Since the charge sheet has not been filed, the petitioner shall meet the Investigating Officer once a week and shall not leave the jurisdiction of Samshergunj Police Station without the permission of the I. O. or the jurisdictional court.

The application for anticipatory bail is, thus, allowed.

In the event he fails to comply with the conditions as enshrined hereinabove, the trial court shall be at liberty to cancel his bail automatically without reference to this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance of all formalities.

**(Aniruddha Roy, J.)**

**(Soumen Sen, J.)**