

19.11.2020.

Item No. 46

ap

**C.R.M. 8005 of 2020
(via video conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 06.10.2020 in connection with Madarihat Police Station Case No. 125 of 2020 dated 08.09.2020 under Section 376 of the Indian Penal Code.

And

In the matter of: Gobinda Das. ...Petitioner

Mr. Hillol Saha Poddar. ...For the petitioner

Mr. Nilay Chakraborty,
Mr. Tapan Bhattacharya.For the State

The petitioner undertakes to affirm and stamp the petition as per Rules within one week of resumption of normal functioning of the Court. Subject to such undertaking, the application is taken up for hearing through video conference.

The petitioner claims that the complaint has been filed upon a relationship going sour.

The State says that the complainant alleges that she had been lured into sex on the petitioner's promise to marry her. The State further claims that the petitioner forced the complainant to part with a sum of Rs.20,000/- out of the assistance that the complainant got as part of the Kanyashree Scheme.

The facts are not much in dispute. The petitioner had a relationship with the complainant. However, it is evident even from the complainant's statement that the sexual relationship was consensual albeit with a promise to marry.

In the circumstances, the immediate detention of the petitioner is not called for, as long as he cooperates with the investigation and reports to the Investigating Officer as and when called, till the investigation is complete.

Subject to the above, in the event of arrest, the petitioner will be enlarged on bail upon furnishing security 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. The petitioner should abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 8005 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Hiranmay Bhattacharyya, J.)