

55 04.12.2020
rkd Ct. No.03
(Allowed)

**C.R.M. 9326 of 2020
(Through Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Maynaguri** P.S. Case No. **358 of 2020** dated **09/09/2020** under Section **376(1)** of the Indian Penal Code.

And

In the matter of: Palash Roy

....petitioner.

Mr. D. C. Kabir,
Ms. J. Rudra,
Ms. M. Dutta

...for the petitioner.

Mr. A. S. Chakraborty,
Mr. A. Biswas

...for the State.

It is submitted on behalf of the petitioner that there was an illicit relationship between him and the victim lady. When such affair came to light, he was falsely implicated in the instant case.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail and submits that statement of the victim has been recorded which is read out to us in Court.

We have considered the materials on record. Prior association between the petitioner and the victim is evident from the said statement of the victim. Whether the petitioner had betrayed such trust or not may be assessed at the appropriate stage of the proceeding in accordance with law. However, in the facts of the case and as the defence plea with regard to the previous relationship appears probable from the statement of the victim, we are inclined to grant anticipatory bail to the petitioner.

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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that he shall not enter the jurisdiction of Maynaguri P.S. while on bail until further orders except for attending the court proceeding and/or investigation and he shall provide the address where he shall reside while on bail to the investigating officer as well as the court below and shall meet the Officer-in-charge of concerned Police Station within whose jurisdiction he shall reside once in a week until further orders.

The application for anticipatory bail is, thus, disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)