

07.12.2020.

46.

as

(Allowed).

**C.R.M. 9805 of 2020**

**(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Jagaddal P. S. Case No.671 of 2020 dated 14.10.2020 under Sections 417/376 of the Indian Penal Code.

In the matter of : Kalpataru Roy. ... Petitioner.

Mr. Anit Dey.

...for the Petitioner.

Mr. Bidyut Kr. Roy,

Ms. Rita Datta.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioner that there was an amorous relationship between the parties for three years. He has been falsely implicated in the instant case.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner had refused to marry the victim lady.

We have considered the materials on record. Whether refusal to marry the victim was dishonest or due to circumstances beyond the control of the petitioner may be assessed at the appropriate stage of the proceeding in accordance with law.

However, in the factual matrix of the case, we are of the opinion that custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner, viz., Kalpataru Roy 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

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

**(Suvra Ghosh,J.)**

**(Joymalya Bagchi, J.)**