

14.
28-07-2021
(ct. no.32)
KOLE
Allowed

(Via Video Conference)

CRM 1394 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore Police Station** Case No. **861 of 2020** dated **28.08.2020** under Sections **417/376/406/506/494** of the Indian Penal Code.

- A n d -

In the matter of : Md. Sahnoaj

.... Petitioner.

.

Mr. D. Kar,
Mr. H. Mustafi,

... For the Petitioner.

Mr. S. Gopal Mukherjee, Ld. PP,
Mr. S. Chakraborty,

... For the State.

Mr. S. Chowdhury,

... for the defacto complainant.

There appears to have been a love affair between the petitioner and the defacto complainant. The petitioner is 38 years old. The defacto complainant is 37 years old.

The complaint was filed alleging that on the basis of false promise that he will marry the victim, the petitioner had physical relationship with the victim. We have seen the statement of the victim recorded under Section 164 of the Code. Charge sheet has not yet been submitted.

However, it appears that the petitioner and the victim have sorted out their differences and have patched up. The complainant/victim does not wish to proceed with the matter. Our attention has been drawn to a letter dated October 12,

2020 written by the complainant to the employer of the petitioner.

In the facts and circumstances of the case, we are of the view that immediate arrest of the petitioner is not necessary.

Accordingly, 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, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

The application of anticipatory bail being CRM 1394 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)