

24.05.2021

Sl. No. 54

Srimanta/

Suman

Ct. No. – 28

D/L

**CRM/1516/2021
(Via Video Conference)**

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973.

In the matter of : Vikrant Wadhwa

Mr. Rachit Lakhmani, Adv. ... petitioner.

Mr. Tapodip Gupta, Adv. ...for the petitioner.

...for the Intervenor.

Mr. N. Ahmed, Adv.,
Md. Anwar Hossain, Adv.,
Mr. Pradipta Ganguly, Adv.
... for the State.

Apprehending arrest in connection with Maheshtala Police Station Case No. 391 of 2020 dated 22nd July, 2020 under Sections 417 and 376 of the Indian Penal Code, 1860, the petitioner has filed the present application.

Mr. Lakhmani, the Learned Advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The de facto complainant is a divorcee and has a daughter who is thirteen years old. The allegations as levelled are in the abstract and there are no incriminating materials against the petitioner. He further submits that the alleged incident occurred in the month of February, 2020 whereas the complaint had been lodged about five months thereafter in the month of July, 2020. In the said conspectus custodial detention is not necessary.

Mr. Ahmed, Learned Advocate for the State opposes the petitioner's prayer.

Mr. Gupta, Learned Advocate for the de facto complainant opposes the petitioner's prayer and submits that there are materials which clearly reveal the involvement of the petitioner in the alleged offence.

Records reveal that the de facto complaint is a divorcee and is having a child. She had a love relationship with the petitioner and that she, on her own accord, went to Mumbai to meet with the petitioner.

In the said conspectus and considering the nature of allegations we are of the opinion that custodial detention of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Vikrant Wadhwa** shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- each 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.

Accordingly, the application for anticipatory bail being CRM No. 1516 of 2021, is **disposed of**.

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

(Bibek Chaudhuri, J.)

(Tapabrata Chakraborty, J.)