

13.12.2021
Sl. No.121
akd
[ALLOWED]

C. R. M. 5125 of 2021

[via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 03.08.2021 in connection with Tamluk Police Station Case No. 233 of 2020 dated 07.05.2020 under Sections 417/376/419/506 of the Indian Penal Code and Section 66D of the Information Technology Act, 2000.

And

In Re: **Abhijit Barman**

... .. Petitioner

Mr. Amitava Karmakar

... .. for the petitioner

Mr. Debabrata Chatterjee .. Ld. Addl. Public Prosecutor

Mr. Mirza Firoj Ahmed Begg

Ms. Mousumi Sarkar

... .. for the State

It is submitted on behalf of the petitioner that the victim is a major lady and had cohabited out of her free will.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the petitioner had cohabited on the promise to marry the victim.

We have considered the materials on record. Statement of the victim discloses consensual cohabitation. Whether the petitioner had dishonest intention from the inception of the relationship or not requires to be assessed in course of trial. However, in the facts and circumstances of the case, we are of the opinion that custodial interrogation of the accused/petitioner may not be necessary in the facts of the present case and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely **Abhijit Barman**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer

and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the court below and pray for regular bail within four weeks from date.

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

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)