

22.11.2021

Serial no. 56

Dd

(Through Video Conference)

CRM 7469 of 2021

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **Barrackpore Women** Police Station Case No. **39** of **2021** dated **07.09.2021** under Sections **417/376(2)(n)/506/509** of the Indian Penal Code.

-And-

In the matter of : **Raju Ghosh**

... Petitioner

Mr. Debasis Kar,
Mr. Subhajit Chowdhury, Advocate
... .. For the Petitioner

Ms. Anasuya Sinha,
Mr. P. K. Mitra, Advocates
... ...For the State

Apprehending arrest in connection with Barrackpore Women Police Station Case No. 39 of 2021 dated 07.09.2021; the petitioner is seeking anticipatory bail.

It is submitted by learned advocate appearing for the petitioner that de facto complainant and the accused both are adult and that there has been no extracted consent while going into physical relationship. It is admitted that both the parties fell in love affair and they were staying together at different places with the full consent.

In this background, it is pointed out that the de facto complainant was married to one Sona Borai and out of their wedlock a male child was born but due to matrimonial discord and disharmony, they started residing separately and the de facto complainant being introduced to the petitioner in 2016, entered into physical relationship. Although the allegation made on behalf of the de facto complainant is that the petitioner had promised to marry but he has failed to comply with the promise.

All these factual aspects are required to be addressed in course of evidence to be adduced by the trial Court.

Having heard learned advocates for the parties and having considered the case diary, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), 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 and on further condition that the petitioner shall appear before the Court below and pray for regular bail within four weeks from date and on further condition that the petitioner will meet the Investigating Officer as and when required for the purpose of investigation.

Prayer for anticipatory bail is **allowed**.

CRM 7469 of 2021 is **disposed of**.

(Krishna Rao, J.)

(Shivakant Prasad, J.)