

07.06.2021
Court No.28
SL No.3
PJ/KC

CRM 8436 of 2020
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gazole** P.S. Case No.**420/2020** dated **17.09.2020** under Sections **493/376/109** of the Indian Penal Code (GR Case No. 4038/2020).

And

In the matter of: **Ajoy Pramanik**

....Petitioner.

Mr. Kazi M. Rahman

...for the Petitioner.

Mr. Bidyut Kumar Roy,
Ms. Rita Dutta,

...for the State.

This application for anticipatory bail has been filed apprehending arrest in connection with Gazole P.S. Case No. 420/2020 dated 17.09.2020 corresponding with G.R. Case No. 4038 of 2020 under Sections 493/376/109 of the Indian Penal Code. It has been submitted by the learned counsel for the petitioner that the victim was a major at the time of occurrence of the incident. It is further submitted by the petitioner that the cohabitation was happened voluntarily.

Learned counsel for the State opposes the prayer for anticipatory bail.

Having considered the case diary and the First Information Report and the allegation against the petitioner, it appears that the petitioner is a tuition teacher with whom the victim has friendly relations. There is also a statement on record which indicates that the victim was taken voluntarily to the house of the accused and introduced her to the entire family members. As to whether the sexual intercourse with the victim is voluntary or on the promise of marriage is to be determined at the time of trial.

In the circumstances above, this Court is inclined to allow the application.

Accordingly, we direct that in the event of arrest, the petitioner be released on anticipatory 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 be 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 meet the investigating officer once in a week until further orders. Petitioner shall appear before the investigating officer and hand over his passport, if any, within a period of four weeks from date. In the event the petitioner does not have a passport, he shall personally appear before the investigating officer and furnish an affidavit to that effect within the time frame mentioned hereinabove.

In the event any of the above conditions are violated, the IO shall treat the bail as cancelled without any reference to this Court.

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

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)