

20.01.2021
SL No.31
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**CRM 84 of 2021
(Through Video Conference)**

Rabindranath Roy. Petitioner.

Vs.

The State of West Bengal... .. Respondent.

Mr. Deep Chaim Kabir,
Ms. M. Dutta

.. Advocates for the Petitioner present in virtual mode.

M/s. D. Mukhopadhyay,
Saikat Chatterjee,
Anirban Banerjee.

.Advocates for the petitioner present in Court.

Mr. Kallol Acharjee,
Ms. Namrata Das.

..Advocates for the State present in Court.

The present application has been filed for grant of pre-arrest bail to the petitioner, who has been arrayed as accused in Garubathan Police Station Case No.35 of 2020 dated 22-11-2020, registered under Sections 376/417 of the Indian Penal Code, 1860.

Learned counsel appearing for the petitioner submitted that the complainant and the petitioner were having relationship. The complainant is 27 years of age educated girl and the petitioner is 25 years of age. They wanted to marry. However, dispute arose on account of small money amounting to ₹6000/-, which the petitioner had taken from the complainant. There was no force used against the complainant. She was the consenting party. Custody of the petitioner is not required for interrogation.

On the other hand, learned counsel for the respondent submitted that the medical evidence on record does not support the case of the complainant.

After hearing learned counsels appearing for the parties and considering the fact that even in the complaint filed by the complainant before the police their relationship before marriage is admitted. The trigger point of the dispute is small money transaction, which the petitioner had taken from the complainant, which he failed to return.

Under these circumstances, we find this to be a fit case for grant of pre-arrest bail.

Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing of bail bonds to the satisfaction of the arresting officer. The petitioner shall be bound by the conditions laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for pre-arrest bail is accordingly, disposed of.

(RAJESH BINDAL, J.)

(SAUGATA BHATTACHARYYA, J.)

(RAJESH BINDAL, J.)

(SAUGATA BHATTACHARYYA,J.)