

IN THE HIGH COURT AT CALCUTTA
Criminal Miscellaneous Jurisdiction

11.01.2022
Sl. No. 4
k.b. /b.r.
Crt.11
granted

CRM (A) 73 of 2022
(Via Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Tehatta P.S. Case No. 706 of 2021 dated 31.12.2021 under Sections 448/376/379/384/506/ 34 of the IPC.

And

In the matter of: **Prosenjit Sarkar**

....Petitioner.

Mr. Kaustav Bagchi
Mr. Amanul Islam
Mr. Sourav Mukherjee
Mr. Debayan Ghosh

...for the Petitioner.

Mr. Tanmoy Kumar Ghosh
Mr. M.F.A. Begg

.....for the State.

This is an application for pre-arrest bail arising out of Tehatta P.S. Case No. 706 of 2021 dated 31.12.2021, District-Nadia.

The charges are under Sections 448/376/379/384/506/ 34 of the IPC.

Learned Counsel for the petitioner submits that the complainant is a married lady and there was a relationship outside her matrimonial wedlock between the petitioner and the complainant. In view of the relationship having soured, the instant complaint came to be filed.

On behalf of the Prosecution, it is submitted that not only is there an allegation of rape against the petitioner but, there is also an allegation that the petitioner took an amount of Rs. 1.5 lacs from

the complainant after developing a relationship with the complainant.

Heard.

Perused the materials placed.

This Court is of the view that the facts and circumstances relating to the complaint do not warrant the custodial interrogation of the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Prosenjit Sarkar** shall be released on bail upon furnishing a bond of Rs. 20,000/- (Rupees Twenty Thousand only) with two sureties of like amount, one of them local, to the satisfaction of the arresting officer and also subject to the conditions specified under Section 438(2) of the Code of Criminal Procedure, 1973 and on the further condition that the petitioner shall cooperate with the Investigating Officer as and when required.

CRM (A) No. 73 of 2022 stands accordingly **allowed**.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(**Krishna Rao, J.**)

(**Subrata Talukdar, J.**)

