

07.06.2022
Sl. No.67
akd
[ALLOWED]

C. R. M. (A) 2374 of 2022

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 19.05.2022 in connection with Bongaon Police Station Case No. 470 of 2022 dated 08.05.2022 under Sections 417/376/379 of the Indian Penal Code. (G.R. Case No.1480 of 2022)

And

In Re: ***Biswajit Mondal***

... .. Petitioner

Mr. Susnigdho Bhattacharyya

... .. for the petitioner

Mr. Debabrata Chatterjee

Ms. Mousumi Sarkar

... .. for the State

It is submitted on behalf of the petitioner there was a love affair between the parties and he has been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for anticipatory bail and submits that the victim was induced to cohabit on the false promise of marriage.

We have considered the materials on record including the statement of the victim lady. Victim was major at the time of cohabitation. Whether there was dishonest representation at the inception of the relationship requires to be assessed in course of trial. However, in the facts and circumstances of the case, we are of the opinion though custodial interrogation of the accused/petitioner may not be necessary in the facts of the present case, he requires to cooperate with the investigation in accordance with law.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Biswajit Mondal***, 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 meet the Investigating Officer once in a week until further orders and 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.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)