

10.06.2022.
81.
Ct.No.28.
as
(Allowed)

C.R.M. (A) 2461 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with English Bazar Women P. S. Case No.85 of 2022 dated 16.04.2022 under Sections 417/376/406/420/506 of the Indian Penal Code.

In the matter of : Arup Chakraborti @ Arup Chakraborty.
.... Petitioner.

Mr. Avik Ghatak,
Mr. Salman Hasan,
Ms. Afreen Begum.

...for the Petitioner.

Mr. Narayan Prasad Agarwala,
Mr. Pratick Bose.

...for the State.

Heard the learned Counsels appearing on behalf of the parties.

It is contended on behalf of the petitioner that the de-facto complainant was a major lady and voluntarily cohabited with the petitioner. Allegation of misappropriation of funds are out and out false.

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

We have considered the materials on record including the statement of the victim recorded under Section 164 Cr. P. C. Keeping in mind the nature of allegations in the light of the aforesaid submission that the victim was major at the time of cohabitation and was aware of the consequence thereof, we are

of the opinion though custodial interrogation of the petitioner is not necessary but he requires to co-operate with the investigation of the case in accordance with law.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, 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 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 shall meet the Investigating Officer once in a week until further orders.

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

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)