

09.06.2022
tkm/ct 28
sl no. 123

C.R.M. (A) 2491 of 2022

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Dadpur P.S case no. 74 of 2022 dated 14.4.2022 under sections 376(2)(n)/417 of the Indian Penal Code

And

Allowed

In Re : Sagar Sahis

..... petitioner

Mr. S Das Mahapatra

..... for the petitioner

Ms. Z N Khan
Md. Kutubuddin

..... for the State

It is submitted on behalf of the petitioner that the victim was a major lady and had cohabitated out of her own will.

Learned lawyer for the State opposes the prayer for anticipatory bail and submits that the petitioner had cohabited on false promise of marriage.

We have considered the materials in the case diary. Victim was major at the time of cohabitation and was aware of the consequences thereof. Whether petitioner held out dishonest representation at the inception of the relationship requires to be assessed at the time of trial.

In view of the aforesaid facts, we are of the opinion though custodial interrogation of the petitioner is not necessary, he requires to co-operate with investigation 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 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 while on bail until further orders and that the petitioner shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM (A) 2491 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)