

03.01.2022

Serial no.57

Dd

(Through Video Conference)

CRM 5517 of 2021

In re : An Application under Section 439(2) of the Code of Criminal Procedure, 1973.

-And-

In the matter of : Debayani Gayen

Vs

Swarnendu Mondal & Anr.

Mr. Tapan Kumar Dey,
Mr. Nirupam Sarkar, Advocates
... ... For the Petitioner

Mr. Binay Panda,
Mr. Subham Bhakat, Advocates
... ...For the State

Petitioner seeks cancellation of anticipatory bail granted by the jurisdiction Court by order no. 2 dated January 28, 2021.

Learned advocate appearing for the petitioner submits that the opposite party no. 1 promised to marry the petitioner. The opposite party no. 1 did not adhere to such promise. Moreover, the opposite party no. 1 is a seaman and is likely to abscond.

None appears for the opposite party no. 1 despite service. Affidavit-of-service filed in Court be taken on record.

State is represented.

In an application for anticipatory bail, by Order no. 2 dated January 28, 2021 the jurisdictional Court considering the materials as available in the case diary including the

statements of the victim recorded under Section 164 of the Criminal Procedure Code and taking into account the fact that no medical examination was forthcoming, granted anticipatory bail to the opposite party no. 1.

The allegation that the opposite party no. 1 held out a promise to marry is yet to be substantiated in trial. There is no materials on record to establish that the opposite party no. 1 is likely to abscond trial or is absconding.

In such circumstances, we find no merit in the petition.

CRM 5517 of 2021 is rejected.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)