

01.12.2022
Serial no. 16
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 5579 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **1031** of **2022** dated **18.11.2022** under Sections **417/376** of the Indian Penal Code.

-And-

In the matter of : **Biplob Biswas**

... .. Petitioner

Ms. Minoti Gomes,
Mr. Asraf Mandal, Advocates
... .. *For the Petitioner*

Mr. Debabrata Chatterjee, Id. APP
Mr. S. Chatterjee, Advocates
... ..*For the State*

The victim in her statement recorded under Section 164 of the Criminal Procedure Code claims that the petitioner entered into a physical relationship with her on the promise of marriage. She acknowledges that there was a love relationship between them.

Both the petitioner and the victim are adults.

The issue as to whether, there was a physical relationship and whether the same was entered into on the promise of marriage or not, requires to be decided at the trial, if raised.

In such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall 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 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 report before the Investigating Officer once in a fortnight till the conclusion of the investigation and on further condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 5579 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)