

06.12.2022
Serial no.13
Aloke

CRM (A) 5585 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Mahisadal Police Station Case No. 342 of 2022 dated 18.10.2022 under Sections 376/417/420/506/34 of the Indian Penal Code.

-And-

In the matter of : **Dr. Nilangshu @ Nilanshu Kar**

... .. Petitioner

Mr. Sekhar Kr. Basu, Advocate
Mr. Avik Ghatak, Advocate
Mr. Saibal Krishna Dasgupta, Advocate
... .. For the Petitioner

Mr. Tanmoy Kr. Ghosh, Advocate
Mr. Arindam Sen, Advocate
... ..For the State

Mr. Sabir Ahmed, Advocate
Mr. Ayan Chakraborty, Advocate
... .. For the de facto complainant

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. The petitioner is a dentist by profession. There was a relationship between the petitioner and the de facto complainant. The police complaint was lodged after the relationship turning sour.

Learned Advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the de facto complainant recorded under Section 164 of the Code of Criminal Procedure.

Learned Advocate appearing for the de facto complainant submits that the petitioner cohabited with the de facto complainant on the promise of marriage. He submits that the petitioner took a sum of Rs.6,80,000/- from her. The petitioner also took offensive photographs in his mobile which the petitioner threatened to circulate on the internet.

Apparently, the petitioner is a dentist by profession. Both the petitioner and the de facto complainant are adults. Apparently, they entered into a relationship. Whether the

relationship was consensual and whether the petitioner took advantage of the de facto complainant or not are issues to be decided at the trial.

The petitioner will deposit Rs.6,80,000/- with the Additional Chief Judicial Magistrate, Haldia, within seven days from date. Upon receipt of the same, Additional Chief Judicial Magistrate, Haldia will ensure that such sum is deposited to the credit of GR Case No. 2428 of 2022 arising out of Mahisadal P.S. Case No. 342 of 2022 dated October 18, 2022. The sum so received will be kept in an interest bearing fixed deposit with any Nationalised Bank.

The amount will abide by the result and direction of the jurisdictional Court. Till such time the case is finally decided or until further orders by the jurisdictional Court, the amount so deposited will be kept renewed from time to time.

The petitioner will surrender his mobile phone forthwith with the Investigating Officer.

In view of the profession of the petitioner, it is unlikely that the petitioner will abscond.

The material in the case diary does not suggest requirement of custodial interrogation.

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 condition that the petitioner will 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) 5585 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)