

06.07.2022.

Ct.No. 1

Item No. 15

sp

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (DB) 200 of 2022

In Re:- An application for cancellation of bail under Section 439 of the Code of Criminal Procedure, 1973, filed on 22.06.2022.

And

In the matter of : **Harish Barman.** ...petitioner

Mr. Hillol Saha Podder, Id. A.P.P.,
Ms. Mousumi Das

...For the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Ujjwal Lukson,
Mr. Tapan Bhattacharjee

....For the State

Mr. Bikash Singha

...For the de-facto complainant

The application for bail is filed on the ground that the victim and the petitioner were having a love affair.

Counsel for the de-facto complainant/victim submits that the petitioner had promised marriage and she had physical relationship with him on the basis of such promise. A charge under Section 376 of the IPC generally does not lie when the act in question occurs on the basis of a promise of marriage. The observation is recorded only for the purpose of this application.

In that view of the matter, let the petitioner be released on bail upon furnishing a bond of Rs.3,000/- with two sureties of Rs. 3,000/- each, one of whom must

be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Mathabanga, subject to the conditions that the petitioner shall co-operate with the investigation as and when required or called for and the petitioner shall meet the Investigating Officer of the case once in a week until further order.

The Investigating Officer shall bear in mind that the petitioner is a student, who is presently appearing for the M.A. examination.

C.R.M. (DB) 200 of 2022, shall stand allowed.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Ananda Kumar Mukherjee, J.) (Rajasekhar Mantha, J.)