

20.02.2023

Sl.17

Court No.29

(AD)

(Allowed)

C.R.M. (A) 740 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chakdah** Police Station Case No.**289 of 2022** dated **06.05.2022** under Sections **417/376/406/506/34** of the Indian Penal Code, 1860.

And

In the matter of: **Abhijit @ Avijit Bala**

....petitioner.

Mr. Shibaji Kumar Das ... for the petitioner.

Mr. Saibal Bapuli, Ld. APP

Mr. Arijit Ganguly

Mr. Avik Ghatak

...for the State.

Petitioner prays for anticipatory bail.

The statement of the de facto complainant recorded under Section 164 of the Code of Criminal Procedure claims that there was a relationship between the de facto complainant and the petitioner.

Apparently, a physical relationship developed between the two private parties. Both are adults.

It is claimed that the physical relationship was entered into on a promise of marriage.

The issue as to whether there was any physical relationship and whether the relationship was entered into on the basis of such promise as claimed, are issues which are required to be tried at the trial, if raised.

In such circumstances, considering the materials in the case diary and the gravity of the offence, we 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 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 a fortnight till the conclusion of the investigation and on 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 740 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)