

02.03.2023
Serial no. 18
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 903 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **English Bazar Women** Police Station Case No. **02** of **2023** dated **04.01.2023** under Sections **417/376** of the Indian Penal Code.

-And-

In the matter of : **Sujoy Mandal**

... .. Petitioner

Mr. Amitabha Karmakar,
Mr. Arup Kr. Bhowmick, Advocates
... .. *For the Petitioner*

Mr. Anindya Sundar Chatterjee, Advocate
... ..*For the State*

Mr. Avinabha Patra,
Mr. Dipayan Kundu, Advocates
... ..*For the de facto complainant*

Petitioner prays for anticipatory bail.

State and the de facto complainant are represented.

The de facto complainant recorded a statement under Section 164 of the Criminal Procedure Code where, she states that there was a relationship between her and the petitioner over a period of time. The petitioner entered into a physical relationship with her on several promises, none of which were kept.

Both the petitioner and the de facto complainant are adults. There was a relationship between the two private parties. As adults, they are supposed to know the consequences of their relationship. The issue as to whether there was any physical relationship and, if there be any, whether such

relationship was entered into on the promise as claimed by the petitioner or not, are issues to be decided at the trial.

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) 903 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)