

03.03.2023
Serial no. 10
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 936 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Debra** Police Station Case No. **629** dated **07.12.2022** under Sections **376/417/420/509/34** of the Indian Penal Code (corresponding to G.R. Case No. 4116/2022)

-And-

In the matter of : **Subhankar Dalapati**

... .. Petitioner

Mr. Ayan Basu,
Mr. Sandip Kr. Mondal,
Mr. Sourav Bera,
Mr. Sumit Routh,
Ms. Riya Das, Advocates
... .. *For the Petitioner*

Mr. Bidyut Kr. Roy,
Ms. Rita Datta, Advocate
... ..*For the State*

Affidavit-of-service filed in Court be taken on record.

Despite service, none appears for the private opposite party.

The victim in her statement recorded under Section 164 of the Criminal Procedure Code claims that there was a love affair between her and the petitioner. According to her, the physical relationship was entered into on several promises which the petitioner did not keep.

Both the petitioner and the victim are adults. The issues as to whether the relationship was entered into on the promise as claimed by the de facto complainant or not is an issue which is required to be decided at the trial. The victim is married to a different person.

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 month 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) 936 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)