

21.03.2023
Serial no. 21
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 1153 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. **90** of **2023** dated **18th February, 2023** under Sections **376/417/506/34** of the IPC.

-And-

In the matter of : **Sudip Bala**

... .. Petitioner

Ms. Rupsa Sreemani, Advocate
... .. *For the Petitioner*

Mr. Narayan Prasad Agarwala,
Mr. Pratick Bose, Advocates
... ..*For the State*

The de facto complainant in her statement recorded under Section 164 of the Criminal Procedure Code claims that there was a long standing relationship between her and the petitioner. She claims that the petitioner took advantage of such relationship and entered into a physical relationship with her with the promise of marriage. Petitioner possesses various photographs and video recordings of obscene pictures.

Both the petitioner and the de facto complainant are adults. They are supposed to know the consequences of their actions.

The issue as to whether, there was any physical relationship between the two and whether such relationship was entered into with the promise of marriage as claimed by the de facto complainant are issues to be decided at the trial, if so raised.

Police are yet to come across any offensive materials at the Internet relating to the de facto complainant.

In such circumstances, it would be appropriate to grant anticipatory bail to the petitioner. Petitioner will, however, deposit his mobile phone with the Investigating Officer forthwith.

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) 1153 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)