

19.04.2023

Serial no. 13

[Dd]

(Anticipatory bail)

(Allowed)

CRM (A) 1642 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Barrackpore** Police Station Case No. **39** of **2023** dated **3rd March, 2023** under Sections **417/376** of the IPC.

-And-

In the matter of : **Rajat Roy**

... .. Petitioner

Mr. Shibaji Kr. Das,
Ms. Rupsa Sreemani, Advocates
... .. *For the Petitioner*

Mr. Imran Ali,
Ms. Debjani Sahu, Advocate
... ..*For the State*

Mr. Sabyasachi Chatterjee,
Mr. Sandipan Das,
Ms. Indrani Roy,
Ms. Priyanka Paul, Advocates
... ..*For the de facto complainant*

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the de facto complainant is an adult. She entered into a relationship with the petitioner. The relationship was over a period of time. The police complaint was lodged after the relationship turned sour.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the de facto complainant recorded under Section 164 of the Criminal Procedure Code.

Learned advocate appearing for the de facto complainant submits that the petitioner is a police personnel and, therefore, police are not taking any steps.

Both the petitioner and the de facto complainant are adults. The de facto complainant in her statement recorded

under Section 164 of the Criminal Procedure Code acknowledges that there was a relationship between her and the petitioner.

It is the claim of the de facto complainant that physical relationship was entered into on certain promises which were subsequently not kept.

The physical relationship continued for a period of time.

The issue as to whether there was a physical relationship at all or not and whether such physical relationship was entered into on the promises allegedly made and not kept are issues which are required to be decided at the trial.

At this stage, we do not find any requirement of custodial interrogation of the petitioner.

Consequently, 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) 1642 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)