

27.04.2023

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Ct. No. 29

CHC

Rejected

C.R.M.(A) 1755 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Balurghar** Police Station Case No. **278** of **2023** dated **11.04.2023** under Sections **420/376/354C/379/506/509** of the Indian Penal Code, 1860.

And

In the matter of : Tarun Das

..... petitioner

Mr. Bibek Chatterjee,
Mr. Samik De

....for the petitioner

Mr. Swapan Banerjee,
Ms. Purnima Ghosh

....for the State

Petitioner claims that he was falsely implicated. Petitioner relies upon messages exchanged between the petitioner and the de facto complainant on Whatsapp. Petitioner claims that the de facto complainant entered into a relationship voluntarily.

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

The statement recorded under Section 164 of the Criminal Procedure Code of the de facto complainant states that there was physical relationship between her and the petitioner. The basis of such physical relationship was said to be promises as held out by the petitioner. It also states that money was

taken out from the ATM account belonging to the de facto complainant by the petitioner which was on the promise to give government job which was not kept.

The materials in the case diary suggests that a sum in excess of Rs.2,50,000/- was withdrawn from the bank account of the de facto complainant.

It is contended by the petitioner that the petitioner did not withdraw such amount.

At this stage, the statement of the de facto complainant recorded under Section 164 of the Criminal Procedure Code stands corroborated by the bank statement.

In view of *prima facie* case for investigation being made out as against the petitioner enlarging the petitioner at this stage may be inimical to the investigation.

In such circumstances, we are unable to grant anticipatory bail to the petitioner.

CRM (A)1755 of 2023 is rejected.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)