

01.05.2023

Serial no. 31

[Dd]

(Anticipatory bail)

(Allowed)

CRM (A) 1845 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Sainthia** Police Station Case No. **393** of **2022** dated **20.12.2022** under Sections **493/416/201** of the Indian Penal Code and charge sheet submitted under Section **493** of the IPC (G.R. case No. 1724 of 2022)

-And-

In the matter of : **Souvik Mondal**

... .. Petitioner

Mr. Angsuman Chakraborty,

Mr. S. S. Saha, Advocates

... .. For the Petitioner

Mr. Shiladitya Banerjee, Advocate

... ..For the State

The de facto complainant in her statement recorded under Section 164 of the Criminal Procedure Code acknowledges that the petitioner and the de facto complainant were in a relationship.

Both the petitioner and the de facto complainant are adults.

Apparently, there was a physical relationship between the petitioner and the de facto complainant.

As adults, petitioner and the de facto complainant are supposed to be aware of the consequences of their relationship.

The issue as to whether there was a physical relationship as claimed by the de facto complainant and whether, such physical relationship was on the basis of promise as held out by the petitioner as claimed, are issues which may be looked into at the trial.

Police filed charge sheet.

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 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) 1845 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)