

09.06.2023

Sl. 16

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 2179 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Berhampore** Police Station Case No. **508** of **2023** dated **23.04.2023** under Section **306** of the Indian Penal Code, pending before the learned CJM, Berhampore, Murshidabad.

And

In the matter of: **Priyanka Bairagya**

....petitioner.

Mr. Tapodip Gupta

...for the petitioner.

Mr. Bidyut Kr. Roy

Ms. Rita Datta

...for the State.

Mr. Ali Ahsan Alamgir

Ms. Soma Mal

Ms. Rabia Khatoon

Ms. June Modak

...for the de facto complainant.

1. Heard learned Counsel for both the parties.
2. The present petitioner is the girl who is alleged to have broken the heart of the deceased by severing her contact/relationship with him. Both the boy and girl are of tender age. Now a days the new age boys and girls of tender age are unable to make a distinction between acquaintance and friend so also infatuation and love. The infatuation is a different thing and love is a universal benchmark.
3. From the evidence on record as we find because of the tender age of both the petitioner and the victim they were more in infatuation than in love. The severance of relationship by the girl in such a relationship *prima facie* does not make out an offence under Section 306 IPC read with Section 107 thereof (our view is, however, tentative and it should not influence

learned Trial Court). The investigation has progressed substantially. The victim girl is alleged to have threatened the present informant to withdraw the case and in that regard the report is stated to be find before the jurisdictional S.P.

4. Be that as it may, the petitioner being a girl of tender age and especially the circumstances involved, we are of the view that she should not be sent to custody at this age.
6. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, sequence of events and substantial progress in the investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that i) the petitioner shall appear before the I.O. for the purpose of investigation as and when required; ii) within seven days from today the petitioner shall appear before the I.O. and hand over her mobile phone to the I.O. for the purpose of investigation. iii) she and/or her family members shall not commit any threat, inducement or coercion to any of the family members of the informant including any of witnesses. If any other items the I.O. wants to seize the petitioner may produce such items before the I.O. on proper legal consultation.
7. Within three weeks of the receipt of server copy or certified copy of this order, the petitioner is directed to appear before the I.O. along with a copy of such order.
8. Accordingly, the prayer for the anticipatory bail is allowed.

9. The application being **CRM (A) 2179 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

