

12.06.2023

Sl. 85

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 2196 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Kalyani** Police Station Case No. **166** of **2023** dated **11.04.2023** under Sections **417/376** of the Indian Penal Code, 1860.

And

In the matter of: **Tarak Dutta**

....petitioner.

Mr. A. Agarwala
Mr. Subir Debnath
Ms. Roma Roy
Mr. Manojit Debnath
Mr. Mithun Malakar

...for the petitioner.

Mr. Imran Ali
Ms. Debjani Sahu

...for the State.

1. Heard learned Counsel for the parties.
2. The victim is a married lady with a child from that marriage and she is stated to be aged about 22 years old. She is, however, living separately from her husband. The petitioner who is also a married man was in relationship with that lady with her consent for about seven months and it is alleged that the petitioner enjoyed the victim physically on the promise to marry her during her distress period of separation.
3. The investigation is stated to have progressed substantially as submitted at the Bar.
4. From the materials on record placed before us, we are of the view that no custodial interrogation of the petitioner is required in the present case.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, substantial progress of

the investigation and nature of allegation, it is directed that the petitioner shall be released on bail in the event of his arrest by the Arresting Officer on such terms and conditions as deemed just and proper in the facts and circumstances of the case in Connection with Kalyani Police Station Case No. 166 of 2023 dated 11.04.2023 including the conditions that i) the petitioner shall appear before the I.O once in a fortnight on the day and time fixed by the I.O. till submission of F.F.; ii) he shall not threaten, induce or coerce any witness including the victim in any manner whatsoever during the currency of the case.

6. Within 21 days 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 this order.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being **CRM (A) 2196 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

