

26.07.2023
SL. 8
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 2544 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Taltala Women** Police Station Case No. **01** of **2023** dated **21.04.2023** under Sections **376/417/506** IPC.

And

In the matter of: **Md. Masudul Hoque**

....petitioner.

Mr. Ayan Bhattacharya
Mr. Soumyajit Das Mahapatra
Mr. Tapodip Gupta

...for the petitioner.

Ms. Sujata Das

...for the State.

Md. Zaiul Alam
Mr. Abhijit Ray

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. It is a case of acquaintance through facebook between two nationals of Bangladesh and India. The woman belongs to Bangladesh and the man belongs to Kolkata (India). There was friendship, consensual physical relationship for four years. Sojourn to many places with physical relationship during the period of courtship and, lastly, breakup.
3. Perused the statement of the victim recorded under Section 164 Cr.P.C. There is allegation by learned Counsel for the informant of demand of Rs. 1 Crore from the victim towards dowry by the family members of the petitioner and the victim is stated to have purchased a Mercedes car in the meantime to give to the petitioner towards dowry.
4. The defence of the victim is another thing but from the sequence of events as discussed supra, we do not find any

element of offence under Section 376 IPC. So far as such type of case is concerned, it is for the Court to find out whether there was presence of element of cheating at the very outset when promise for marriage was given. Four years of courtship in our considered opinion is enough time to find out for a lady whether there was any element of cheating from the very outset. It is better to leave such question to the wisdom of the learned Trial Court.

5. Investigation is stated to have progressed substantially.
6. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation, nature of offence and substantial progress in investigation, it is directed that the petitioner shall be released on bail in the event of his arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
7. The petitioner is directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.
8. Accordingly, the prayer for the anticipatory bail is allowed.
9. The application being **CRM (A) 2544 of 2023** is disposed of.
10. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

