

20.07.2023
SL. 18
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 2583 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Gopalnagar** Police Station Case No. **190 of 2023** dated **08.04.2023** under Sections **376/417** of the IPC.

And

In the matter of: **Imran Mondal**

....petitioner.

Ms. Indrani Roy

...for the petitioner.

Mr. Subrato Roy

...for the State.

1. Heard learned Counsel for both the parties.
2. Considered the materials placed by them including the statement of the victim recorded under Section 164 Cr.P.C. Admittedly there was consensual sexual relationship between the parties who are majors.
3. Learned Counsel for the State is quite vehement on the point that the petitioner is a police personnel. From the statement of the victim, however, we do not find any iota of allegation to the effect that the petitioner in any way exploited his position as a police personnel when the relationship developed five years back and continued during these periods.
4. We appreciate the effort of Ms. Indrani Roy, learned Counsel for the petitioner in assisting the Court in affirmative.
5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of offence, nature of evidence and substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of

the case including the condition that the petitioner is directed to appear before the I.O. once in a fortnight on the day and time fixed by the I.O. for the purpose of investigation till submission of Final Form.

6. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
7. Within 21 days from today the petitioner shall appear before the I.O. alongwith a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 2583 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

