

25.07.2023
SL. 43
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 2666 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Khargram** Police Station Case No. **188** of **2023** dated **01.06.2023** under Sections **376/417** IPC.

And

In the matter of: **Satyajit Mondal @ Banu**

....petitioner.

Mr. Manas Kumar Das

...for the petitioner.

Mr. Narayan Prasad Agarwala
Mr. Pratick Bose

...for the State.

1. Heard learned Counsel for the parties.
2. Considered the materials placed by them including the statement of the victim recorded under Section 164 Cr.P.C.
3. The victim has declined medical examination. In her statement under Section 164 Cr.P.C., the victim has stated about love affairs leading to promise of marriage by the petitioner and consequent physical relationship. It is alleged that the petitioner is now declining to marry the victim.
4. The moot point for consideration in such a case is whether the intention to cheat or exploit the relationship was there on the part of the petitioner from the very outset of making the promise. Such question is better to be placed to the wisdom of the trial Court in course of trial.
5. Investigation is stated to have progressed substantially.
6. Regard being had to the facts and submission, factum of permanent residence of the petitioners, nature of allegation 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 including the conditions that (i) 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 F.F.; (ii) the petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.

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) 2666 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.)

