

08.08.2023
SL. 12
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 2792 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Raiganj** Police Station Case No. **604 of 2023** dated **04.06.2023** under Sections **365/376/323/325/34** of the IPC adding Section **417** of the IPC.

And

In the matter of: **Mukesh Mahato**

....petitioner.

Mr. Jayanta Narayan Chatterjee
Mr. Kaushik Choudhury
Ms. Busra Khatun
Mr. Gour Hari Das

...for the petitioner.

Mr. Imran Ali
Ms. Debjani Sahu

...for the State.

Mr. Sk. Toslim Ali
Ms. Saba Parween

...for the de facto complainant.

1. Heard learned Counsel for both the parties.
2. Considered the materials placed before us including the statement of the victim recorded under Section 164 Cr.P.C., statement of her mother, neighbors and other co-villagers recorded under Section 161 Cr.P.C. Both the petitioner and the victim are major. It is an admitted case that the victim developed relationship with the petitioner on his promise of marriage to her. Now such promise is alleged to be false promise. The offence of false promise requires that the falsity of the promise should be there from the very outset of giving such promise and that being a question of fact should be best left to the wisdom of learned Trial Court.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, 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 conditions that:

- i) The petitioner is directed to appear before the I.O. once in a week 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.
 - iii) The petitioner shall not leave the jurisdiction of the aforesaid P.S. without obtaining prior leave from the I.O.
4. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
 5. 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) 2792 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

