

10.08.2023
ML. 168
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 2950 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Krishnaganj** Police Station Case No. **194** of **2023** dated **02.06.2023** under Sections **376/406/506** IPC.

And

In the matter of: **Bidhan Chandra Bala**

....petitioner.

Mr. Debarshi Barhma

...for the petitioner.

Mr. Debabrata Chatterjee
Mr. Santanu Chatterjee

...for the State.

1. Heard learned Counsel for the parties.
2. Admittedly, the informant had married one Manoj Biswas in the year 2012 and a child was born to her through Manoj Biswas. It is also admitted that both the informant and petitioner came to know each other through Facebook.
3. It is alleged that when the victim had come to market at Bagula for purchasing dress for her child, the petitioner convinced her and took to her house and ravished her there.
4. Prior to filing of this FIR by the informant on 02.06.2023, the present petitioner had filed FIR on 22.12.2022 under Sections 420/495/379/323/506 IPC and Sections 66C/66D of the IT Act against the present informant. It is alleged therein that, the informant had got married with the present petitioner suppressing her previous marriage and birth of a child and she left for her paternal house without intimating him anything. Some photographs of marriage, which was

solemnized between the present petitioner and the informant have also been annexed to the petition, authenticity of which cannot be gone into at this stage. However, regard being had to the allegation and counter allegation, we deem it proper to leave the matter to be decided by the learned Trial Court being question of facts.

5. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation, genesis of events 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.

6. 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.

7. Accordingly, the prayer for the anticipatory bail is allowed.

8. The application being **CRM (A) 2950 of 2023** is disposed of.
9. 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.)

