

10.08.2023
ML. 184
Court No. 29
Suvayan
(Allowed)

C.R.M. (A) 2969 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Baguiati** Police Station Case No. **277 of 2023** dated **17.05.2023** under Sections **417/376/406/420/506** of the IPC.

And

In the matter of: **Santosh Jaiswal**

....petitioner.

Ms. Chandreyi Alam
Ms. Ruhu Mukherjee
Mr. Subhajit Das

...for the petitioner.

Mr. S. G. Mukherji, PP
Mr. Aniket Mitra
Ms. Jonaki Saha

...for the State.

1. Heard learned Counsel for both the parties.
2. This is a case of promise to marry, cohabitation and breakup.

There is further allegation to the effect that during the courtship the petitioner has taken some money from the informant which he is not returning.
3. In such an offence it is to be found whether the promise to marry was false at the outset itself. This being a pure question of fact it is to be best left to the wisdom of the learned Trial Court.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation 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 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.

- 5. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
- 6. 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.
- 7. Accordingly, the prayer for the anticipatory bail is allowed.
- 8. The application being **CRM (A) 2969 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

