

CRM(A) 3066 of 2023

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Parnasree Police Station** Case No. **222 of 2023** dated **31.05.2023** under Sections **376/417** of the Indian Penal Code.

- A n d -

In the matter of : Malay Karmakar

.... Petitioner.

Mr. Anshuman Bera
Mr. Subrata Bhattacharjee
Mr. Hirak Kumar Basu

... For the Petitioner.

Mr. Goutam Wilson

.....for the State

1. Heard learned counsel for the parties.
2. The petitioner is alleged to have consensual relationship with the victim on promise to marry her. From the statement recorded under Section 164 Cr.P.C., it is clear that subsequent to the consensual relationship, the victim came to know that the petitioner is a married person and then petitioner refused to marry her. In such a case, it is to be found out whether the promise to marry was false from the very outset. Without putting the witness to cross-examination, no decision can be taken on such a sensitive issue. It is therefore best to be left to the wisdom of the learned Trial Court during trial.
3. Regard being had to the facts and submission, factum of permanent resident of the petitioner,

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:

- i) The petitioner is directed to appear before the IO once in a fortnight on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
 - ii) The petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
4. The petitioner is directed to appear before the IO within 21 days from today along with a server copy or certified copy of this order.
 5. Accordingly, the prayer for anticipatory bail is allowed.
 6. The application being CRM (A) 3066 of 2023 is disposed of.
 7. The concerned IO is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)