

**01.09.2023**

SL. 3

Court No. 29

Sourav

(Allowed)

**C.R.M. (A) 3304 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **704** of **2023** dated **13.06.2023** under Sections **376/417/511** IPC.

And

In the matter of: **Babul Sk @ Md Babul Sk**

....petitioner.

Mr. Sagar Saha

...for the petitioner.

Mr. S. G. Mukherji, Ld. PP

Mr. Imran Ali

Ms. Debjani Sahu

...for the State.

Mr. Amitabha Karmakar

Mr. Arup Kumar Bhowmick

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. Considered the materials placed before us including the FIR lodged by the victim and her statement recorded under Section 164 Cr.P.C.
3. Admittedly, there was romantic physical relationship between the parties since one year preceding next the date of lodging of the FIR. So far as the allegation of ravishment is concerned, the relevant date is 1.00 p.m. dated 24.05.2023. The place is Adina Deer Forest at Malda.
4. In the FIR, it is alleged that on the request of the petitioner the victim had accompanied her to the aforesaid spot where the petitioner molested her. In her statement under Section 164 Cr.P.C., it is alleged that at the aforesaid spot, the petitioner tried to ravish her. She protested and despite her

protest, she was ravished. Thereafter, the petitioner refused to marry her. There is other allegation to the effect that the petitioner used to force her to video call him in naked condition etc.

5. The long and short of the story is that there was a consistent physical romantic relationship between the two and there was also talk of marriage between them after such relationship.
6. Regard being had to the facts and submission, 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 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 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 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.
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) 3304 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.)**

