

13.09.2023
M/L 53
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3660 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kalyani P. S. Case No.398 of 2023 dated 03.07.2023 under 376/417/325/341 of the Indian Penal Code.

In the matter of : Gopal Chandra Biswas

... Petitioner

Mr. Rana Mukhopadhyay,
Mr. Rhiddhiman Mukherjee

... for the petitioner

Mr. Debabrata Chatterjee, ld. APP
Mr. Santanu Chatterjee,
Mr. Bibaswan Bhattacharya

... for the State

1. Heard learned advocate for the petitioner and learned advocate for the State at length.
2. From the statements of the victims as recorded under Section 164 Cr.P.C., it reveals that both the present petitioner and the informant are major and they were in consensual physical relationship since 2020. Whether there is any element of cheating and/or any other criminality in the instant case as against the petitioner, it is a question to be decided by the learned trial court during trial on evidence.
3. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of offence 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 condition:

- 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.
4. Accordingly, the prayer for the anticipatory bail is allowed.
5. Within 21 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
6. The applications being CRM(A) 3660 of 2023 is disposed of.
7. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)