

18.09.2023
ML. 119
Court No. 29
NKB

C.R.M. (A) 3726 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **553** of **2023** dated **15.07.2023** under Sections 376/417 of the Indian Penal Code.

And

In the matter of: **Shibam Pramanick**

....petitioner.

Ms. Sumanta Das

...for the petitioner.

Mr. B. B. Imam

Mr. R. Jana

...for the State.

1. Heard learned Counsel for the parties.
2. It is a case of consensual physical relationship between two majors. The relationship is alleged to have been established on the basis of promise of the petitioner to marry the victim. It is a question of fact as to whether such promise by the petitioner was for the purpose of cheating from the very outset. Such question should be left to be decided by the trial court.
3. 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 condition that :
 - i) the petitioner is directed to appear before the IO once in a week 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. The application being **CRM (A) 3726 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

