

06.10.2023
D/L 26
Ct. No.29
(Allowed)
(SKB)

CRM (A) 4082 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Balurghat P. S. Case No.697 of 2023 dated 31.08.2023 under Sections 417/376/506 of the Indian Penal Code (G.R. Case No.1772 of 2023).

In the matter of : Aranya Ghosh @ Anango Ghosh
... Petitioner

Mr. Amitabha Kundu,
Mr. Ziaul Haque
... for the petitioner

Mr. Koustav Bagchi,
Mr. Debayan Ghosh,
Ms. Priti Kar
... for the defacto complainant

Mr. Pravas Bhattacharya,
Mr. M. F. A. Begg
... for the State

1. Heard learned advocates for the parties.
2. Though in her written complainant, the informant lady has alleged that by a deceitful means and with a promise to marry, the present petitioner has established sexual relation with her and from the statement of the victim as recorded under Section 164 Cr.P.C., we though find consensual sex between the petitioner and the victim lady (who are both majors) but we find there was no promise on the part of the present petitioner to marry the victim who is a married lady.

3. Such being the position, we are inclined to allow the prayer of the petitioner.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence 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 G.R. Case No.1772 of 2023 arising out of 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.
5. Accordingly, the prayer for the anticipatory bail is allowed.
6. 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.
7. The applications being CRM(A) 4082 of 2023 is disposed of.

8. 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.)