

13.10.2023
D/L 28
Ct. No.25
(Allowed)
(SKB)

CRM (A) 4186 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Sonarpur P. S. Case No.1104 of 2022 dated 08.10.2022 under Sections 376/417/509/506 of the Indian Penal Code (G.R. No.6476 of 2023).

In the matter of : Rintu Rana

... Petitioner

Mr. Kalyan Chatterjee

... for the petitioner

Mr. Atif Ahmed Siddiqui

... for the State

Mr. Tirthankar Dhali Chattaraj

Mr. S. Adhya

...for the de facto complainant

1. Heard learned counsel for the parties.
2. It is the case of the petitioner that both the present petitioner and the victim lady are major and they have eloped together and subsequently at the pressure of the husband and other inmates of her maternal home, the instant case has been initiated by the alleged victim lady by filing a complainant under Section 156(3) of the Cr.P.C.
3. On perusal of the entire materials in the C.D. including the statement of the victim as recorded under Section 164 Cr.P.C., we find that it is the version of the victim that she has been duped by the present petitioner with a

promise of giving a job by taking her to his home followed by forcible cohabitation and thereafter taking her to Andhra Pradesh.

4. From the materials as collected by the I.O., we find some photographs of the petitioner and the present victim in compromising position. We have also noticed lodging of delayed FIR. Whether there is any element of criminality with regard to the provision of Section 417 of the IPC, those are best to be decided by the learned trial court on trial of evidence. It does not appear to us that it is a fit case for custodial interrogation.

5. 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 G.R. No.6476 of 2023 arising out of 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 I.O. once in a fortnight on the day and time fixed by the I.O. for the purpose of investigation till submission of F.F.

- ii) The petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
- iii) The petitioner shall not leave the jurisdiction of the P.S. without obtaining prior leave from the I.O. during investigation.

6. Accordingly, the prayer for the anticipatory bail is allowed.

7. 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.

8. The applications being CRM(A) 4186 of 2023 is disposed of.

9. 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.)