

05.10.2023
Sl. No.30
akd
[ALLOWED]

C. R. M. (DB) 3826 of 2023

In Re: An application for bail under Section 439 of the Code of Criminal Procedure filed on 27.09.2023 in connection with Shibpur Police Station Case No.302 of 2022 dated 15.09.2022 under Sections 420/406/506 of the Indian Penal Code and subsequently charge sheet submitted under Sections 420/406/506/376/417/109 of the Indian Penal Code. (G.R. Case No.5280 of 2022)

And

In Re: ***Biplab Kundu***

... .. Petitioner

Mr. Pawan Kumar Gupta
Ms. Sofia Nesar
Mr. Santanu Sett
Mr. Soumadip Chakraborty

... .. for the petitioner

Mr. Debabrata Chatterjee .. Id. Addl. Public Prosecutor
Mr. Santanu Chatterjee

... .. for the State

1. It is submitted on behalf of the petitioner that he is in custody for about 45 days. It is further submitted there was a romantic relationship between himself and the victim lady for the last six years. Victim lady was major at the time of association. There was no dishonest intention on the part of the petitioner from the inception of the relationship. Accordingly, he prays for bail.
2. Learned Advocate for the State opposes the prayer for bail and submits petitioner on the false promise of marriage had taken large sums of money from the victim lady. She had become pregnant.
3. We have considered the materials on record. There was free mixing between two consenting adults. Out of love and affection money transfers were made by the victim to the petitioner. Due to intimate relationship it is stated that the victim had become pregnant. Whether the petitioner had dishonest intention from the inception of

the relationship requires to be assessed in the light of the aforesaid circumstances during trial. There is no chance of abscondence of the petitioner.

4. Under such circumstances and in view of the period of detention suffered by the petitioner, we are of the opinion further detention of the accused/petitioner is not necessary.
5. Therefore, the accused/petitioner, namely **Biplab Kundu**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Chief Judicial Magistrate, Howrah subject to condition that the said petitioner shall appear before the trial court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioner, while on bail, shall meet the Investigating Officer once in a week until further orders.
6. In the event he fails to appear before the trial court without justifiable cause, the trial court shall be at liberty to cancel his bail automatically without reference to this court.
7. The application for bail, thus, stands allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)