

30.01.2024

CRM (A) 75 of 2024

In re : An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Park Street Police Station Case No. 113 of 2023 dated 18.11.2023 under Sections 417/376/354C/506/509 of the Indian Penal Code.

-And-

In the matter of : Abhoy Santra @ Abhay Santra

... ..petitioner

Mr. Milon Mukherjee, Sr. Adv.

Mr. Biswajit Manna

... .. for the petitioner

Ms. Mamata Jana

... ...For the State

Finding victim remain unserved by the order dated January 22, 2024 we requested the State to ensure service of the victim.

Learned advocate appearing for the State submits a report which be taken on record.

Said report shows that the police served the victim with the copy of the present application.

None appears for the victim despite service.

Learned Senior Advocate appearing for the petitioner submits that the victim and the petitioner are adults. They entered into the consensual relationship.

Learned advocate appearing for the State draws the attention to the Court to the materials in the case diary.

Victim recorded statement under Section 164 of the Code of Criminal Procedure. She narrates events occurring since November, 2020. She also claims that she entered into a physical relationship with the petitioner.

As adults, petitioner and the victim were supposed to enter into consensual relationship.

As to whether the relationship was entered into on the parameters as claimed by the victim or not, may be decided at the trial. Accordingly, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall report before the Investigating Officer once in a month till the conclusion of the investigation and on further condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is allowed.

Hence, the application for anticipatory bail is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)