

12.04.2024
Sr. No. 93.
AB
Court 28
[ALLOWED]

C. R. M. (A) 1230 of 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Haringhata Police Station Case No. 155 of 2024 dated 21.03.2024 under Sections 376/417/420 of the Indian Penal Code.

In Re: ***Laxman Mondal*** Petitioner.

Mr. Sekhar Kr. Basu, Sr. Adv,
Mr. Abir Ranjan Neogi,
Ms. Shyanti Poddar for the Petitioner.

Ms. Faria Hossain,
Ms. Purnima Ghosh for the State.

Mr. Sanat Kr. Das,
Mr. Sujan Chatterjee,
Mr. Souparna Sinha,
Mr. Rohan Banishifor the Defacto complainant.

1. Heard the learned lawyers for the parties.
2. Petitioner submits that he is a member of the Armed Forces. He is a distant relation of the defacto complainant. An intimate affair developed between them. He has been falsely implicated. He prays for anticipatory bail.
3. Learned lawyer for the State opposes the prayer for anticipatory bail.
4. Learned lawyer for the defacto complainant submits that the petitioner had taken a loan of Rs.2 Lacs and has not refunded it.
5. We have considered the materials on record. Victim was a major lady at the time of cohabitation and she was aware of the consequence thereof. Allegation of failure to refund loan by itself would not constitute offence of cheating.

There is no chance of abscondence of the petitioner. Keeping in mind the aforesaid facts, we are inclined to grant anticipatory bail to the petitioner.

6. Accordingly, we direct that in the event of arrest, the petitioner, namely, Laxman Mondal be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and he shall appear before the court below and pray for regular bail within four weeks from date and on further condition that the petitioner shall meet the Investigating Officer once in a month until further orders.
7. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)