

20/10/2020

Item No.34

AB

Through Video Conference

CRM 7818 of 2020

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Berhampore P.S. Case No.843 of 2020 dated 22.8.2020 under Sections 417/376 406/506/494/312 of the Indian Penal Code

Sukanta Chatterjee

Vs

The State of West Bengal

Mr. Shibasish Chatterjee...for the Petitioner.

Mr. Imran Ali,

Ms. Manasi Roy ...for the State.

The petitioner undertakes to affirm and stamp the petition/application as per the Rules within one month of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

In terms of an order dated 13th October, 2020, the petitioner met the investigating officer. The investigating officer has also forwarded a report to the learned Government Pleader/learned Public Prosecutor confirming compliance of the order. However, in the report it is mentioned that the petitioner conformed to the capability test and he was found to be potent. In the report, however, it is stated that two specific cases have been started against the petitioner being Berhampore P.S. Case No.175 of 2020 dated 17.2.2020 under

Sections 420/406/465 506/34 of the Indian Penal Code and Murshidabad P.S. Case No.251 of 2019 dated 8.6.2019 under Sections 498A/325/34 and Sections 3 /4 of the Dowry Prohibition Act.

The learned Counsel for the State has produced the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and submits that the petitioner has been directly implicated in the commission of the alleged offence.

It appears that the parties have cohabited for over two and half years and having regard to the nature of relationship between the parties and considering the nature of complicity of the petitioner, we feel that the custodial interrogation of the petitioner may not be necessary.

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, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall meet the investigating officer once in a week and shall not enter the jurisdiction of Berhampore Police Station except for the purpose of meeting the investigating officer and attending the court proceedings until further orders and shall disclose his present address to the I.O.

In the event he fails to comply with the conditions as enshrined hereinabove, the trial court shall be at liberty to cancel his bail automatically without reference to this Court.

The application for anticipatory bail of the petitioner is, thus, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Aniruddha Roy, J.)

(Soumen Sen, J.)