

10.02.2021

Item No.238

Ct.No.28

dc.

Allowed

C.R.M. 422 of 2021

(Via Video Conference)

In Re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

And

In Re : **Sanjay Chandra Sarkar**

... Petitioner.

Mr. Jayanta Narayan Chatterjee,
Mr. Kaushik Chowdhury,
Mr. Debasish Roy Chowdhury,
Mr. P. K. Goswami,
Ms. Isita Mitra Roy Chowdhury,
Ms. Busra Khatun

... For the Petitioner.

Ms. Manasi Roy

... For the State.

Apprehending arrest in connection with Jagaddal P.S.
Case No. 843 of 2020 dated 09.12.2020 under Sections
417/376/328 of the Indian Penal Code, the present
application has been preferred.

The learned advocate appearing for the petitioner
submits that the *de facto* complainant is a divorcee and the
petitioner has been falsely implicated. No overt act has been
attributed to the petitioner. In view of the nature of
allegations, custodial detention of the petitioner is not
warranted.

The learned advocate appearing for the State opposes
the petitioner's prayer and draws our attention to the

statement of the *de facto* complainant recorded under Section 164 of the Code. She further submits that the *de facto* complainant has also preferred a writ petition alleging inaction on the part of the police authorities.

Having heard the learned advocates and considering the materials in the case diary, the nature of allegations and the statement of the *de facto* complainant recorded under Section 164 of the Code, we are of the opinion that custodial detention of the petitioner is not warranted.

Accordingly, we allow the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely **Sanjay Chandra Sarkar** 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 and on a further condition that the petitioner shall meet with the Investigating Officer once a week on and from 15th February, 2021 until further orders.

The application for anticipatory bail, being CRM 422 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)