

12.03.2021
Court No.28
Item No. 19
Krishnendu
Allowed

**CRM 600 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of
the Code of Criminal Procedure;
And

In Re : **Debabrata Bera**

Petitioner

Ms. Ritu Patra
Mr. Mirza Firoj Ahamed Begg

For the Petitioner

Mr. Anowar Hossain
Mrs. Ratna Ghosh

For the State

Apprehending arrest in connection with Daspur P.S. Case
No. 27 of 2020 dated 20.01.2020 under sections
341/323/324/354B/506/509/34 of the Indian Penal Code, the
petitioner has filed the present application.

The learned advocate appearing for the petitioner submits
that the petitioner preferred a civil suit against the *de facto*
complainant and the same is still pending.

As such, the petitioner has been falsely implicated and the
allegations levelled against him are unfounded. In the said
conspectus, custodial interrogation of the petitioner is not
necessary.

Mr. Hossain, learned advocate appearing for the State
opposes the petitioner's prayer for anticipatory bail and draws
our attention to the statement of the *de facto* complainant, as
recorded under section 164 of the Code of Criminal Procedure.

Having heard the learned advocates appearing for the
respective parties and considering the materials in the case

diary, the nature of allegations, the extent of complicity and since a civil suit is pending between the petitioner and the *de facto* complainant, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Debabrata Bera**, shall be released on bail upon furnishing a bond of Rs.10,000/- 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 application for anticipatory bail, being CRM No. 600 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.)