

14.06.2021
Court No.28
Item No. 36
Avijit Mitra

CRM 2895 of 2021 (Via video Conference)

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

And

In Re: **Abhijit Chowdhury**

Petitioner

Mr. Biswajit Tiwari

For the Petitioner

Mr. P.K. Dutta,

Mr. S.S. Imam,

Mr. Subrata Ray

For the State

Apprehending arrest in connection with English Bazar Police Station Case No.199 of 2021 dated 16.02.2021 under sections 447/323/307/376/511/506/34 of the Indian Penal Code, the present application has been preferred.

Mr. Tiwari, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The ingredients of Section 376 are not attracted and the allegations levelled against the petitioner are unfounded. The *de facto* complainant is a married lady having two children and she refused medical. In the said conspectus, the petitioner may be granted anticipatory bail on any stringent condition.

Mr. Dutta, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the *de facto* complainant as recorded under Section 164 of the Code.

We have heard the learned advocates for the respective parties.

Considering the nature of allegations, the statement of the *de facto* complainant as recorded under Section 164 of the Code and the fact that she refused medical, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and

circumstances of the case. However, his movement needs to be restricted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Abhijit Chowdhury**, 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 petitioner shall reside outside the jurisdiction of English Bazar Police Station, save and except for meeting with the investigating officer once a week on and from 21st June, 2021 until further orders and for attending the learned Court below on all the dates as specified for hearing.

The petitioner shall intimate the address where he would be residing to the Officer-in-Charge, English Bazar Police Station within a week from date.

In the event the petitioner fails to comply with the aforesaid directions, without any justifiable cause, the learned trial court shall be at liberty to cancel the bail, without further reference to this Court.

Accordingly, the application for anticipatory bail being CRM No.2895 of 2021, is disposed of.

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

(Kausik Chanda, J.)

(Tapabrata Chakraborty, J.)

