

09.06.2021
Court No.28
SL No.60
PJ/KC

CRM 3039 of 2021
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Regent Park** P.S. Case No. **06/2021** dated **3.1.2021** under Sections **323/307/354B/114** **read with Sections 376/511 of the Indian Penal Code;**

And

In the matter of: **Debayan Datta & anr.**

....Petitioners.

Mr. Manjit Singh,
Mr. Ganjyoti Singh

...for the Petitioners.

Mr. Rana Mukherjee,
Mr. N.P. Agarwal,
Mr. Pratick Bose,

...for the State.

This application for anticipatory bail has been filed apprehending arrest in connection with Regent Park P.S. Case No. 06/2021 dated 3.1.2021 under Sections 323/307/354B/114 read with Sections 376/511 of the Indian Penal Code which is now pending in the Court of the learned Judge, Special Court and Additional Chief Judicial Magistrate, Alipore, South 24-Parganas.

Learned counsel for the petitioners submits that the original FIR against the petitioners was of March, 2018 and since thereafter a suit for declaring Nullity of Marriage being MAT Suit No. 728 of 2018 has been filed by the petitioners against the de facto complainant. The suit is still pending and since after the suit was filed, the de facto complainant has registered a fresh FIR against the petitioners and his elder brother alleging the complaint. According to the petitioners, the fresh FIR against the petitioners and his brother are counterblast to the suit filed by the petitioners.

Learned counsel for the State submits that the de facto complainant in her statement under Section 164 Cr.P.C. has stated that the petitioners had called her to his residence and had a conjugal relations with her. The de facto complainant further stated that the sexual act has been recorded by the petitioners and there is a threat on the complainant to make the same public.

Having considered the materials on record and the case diary and the submissions made on behalf of the parties, this Court is of the view that the petitioners have made out a case for relief of bail under Section 438 Cr.P.C.

Accordingly, in the event of arrest the petitioners shall be released on bail subject to satisfaction of conditions under Section 438(2) of Cr.P.C., 1973 and upon furnishing a bond of Rs.10,000/- each (Rupees Ten Thousand Only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the **learned Judge, Special Court & Additional Chief Judicial Magistrate, Alipore, District : South 24-Parganas**, subject to condition that the petitioners shall appear before the trial Court on every date of hearing until further orders and shall not intimidate witnesses or tamper with evidence in any manner whatsoever and on further condition that the petitioners shall not enter the jurisdiction of the **Court** except for the purposes of investigation and attending Court proceedings and shall provide the addresses where they will reside while on bail to the Investigating Officer as well as the Court below and shall report to the Officer-in-Charge of the concerned Police Station within whose jurisdiction they will reside once in a week until further orders. The petitioners shall surrender their passports to the IO and if they do not possess passports shall submit affidavits to that effect before the IO and additional

condition of bail that in the event of arrest that if any Video or Film showing the petitioners and the de facto complainant in any compromising position in public is made available even to the IO, by any party, the aforesaid bail shall automatically stand cancelled.

In the event the petitioners fail to appear before the Trial Court without any justifiable cause, the trial Court shall be at liberty to cancel their bail in accordance with law without further reference to this Court.

The application for anticipatory bail is, thus, disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)