

03.12.2021
Serial no.57

Aloke
Ct. No. 29

(Through Video Conference)

CRM 5501 of 2021

In re : An Application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 12.08.2021 in connection with Debra Police Station Case No. 575 of 2020 dated 29.12.2020 under Sections 498A/323/313/506/34 of the Indian Penal Code.

-And-

In the matter of : **Amiya Sarkar**

... ..Petitioner

Mr. Soumyajit Das Mahapatra, Advocate

... .. For the Petitioner

Mr. Goutam Wilson, Advocate

... .. For the State

Mr. Pradip Paul, Advocate

Mr. Gourab Ghosh, Advocate

... .. for the de facto complainant

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. In any event the petitioner is ready and willing to pay a sum of Rs.15,000/- towards maintenance of the de facto complainant until further orders of the appropriate forum fixing the period and quantum of payment. He submits that such payment will be made without prejudice to the rights and contentions of the petitioner.

Learned Advocate appearing for the State draws the attention of the Court to the contents in the case diary.

Learned Advocate appearing for the de facto complainant submits that the de facto complainant and the petitioner may be send to Mediation.

Considering the respective stands of the appearing parties as noted above and considering the gravity of the offences and the complicity of the petitioner therein, we are inclined to grant anticipatory bail to the petitioner.

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, 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 with a further condition that the petitioner shall meet the Investigating Officer once in a week till the conclusion of the investigation as and when he is in India and on the condition that the petitioner will continue to pay a sum of Rs.15,000/- per month to the de facto complainant month by month commencing from the month of December, 2021 and payable within 15th of that month until further orders of quantification of quantum and the period of maintenance by appropriate forum and on further condition that the petitioner shall appear before the jurisdictional Court and pray for regular bail within four weeks from date.

Is clarified that the quantum and period of maintenance as noted herein will not prevent the appropriate forum from passing appropriate order in respect of either the period or the quantum as the case may be. The payment and the receipt thereof are wholly without prejudice to the rights and contentions of the private parties.

The Secretary, District Legal Services Authority, Paschim Medinipur, will initiate proceedings for Mediation between the petitioner and the de facto complainant immediately on receipt of a copy of this order. Either of the private parties are at liberty to communicate this order to the Secretary, District Legal Services Authority, Paschim Medinipur for compliance.

The prayer for anticipatory bail is allowed.

CRM 5501 of 2021 is disposed of.

(Debangsu Basak, J.)

(Krishna Rao, J.)