

27.07.2021
Court No.30
Item No. 03
Krishnendu
Allowed

CRM 10542 of 2020
(Via video Conference)

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

And

In Re : **Milan Das**

Petitioner

Mr. Mrityunjoy Chatterjee

For the Petitioner

Mr. Prasun Kumar Datta, Id. A.P.P.

Mr. Santanu Deb Roy

For the State

Apprehending arrest in connection with Panskura Police Station Case No. 577 of 2018 dated 26.11.2018 under sections 363/366 of the Indian Penal Code, the petitioner has filed the present application.

Mr. Chatterjee, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The daughter of the *de facto* complainant voluntarily left her paternal house and was staying with the petitioner. She has given birth to a child on 21st September, 2019. Upon completion of investigation, charge sheet has also been submitted and as such custodial interrogation of the petitioner is not necessary.

Mr. Datta, learned Additional Public Prosecutor appearing for the State, opposes the petitioner's prayer and draws our attention to several documents in the case diary.

Having heard the learned advocates appearing for the respective parties and considering the materials in the case diary, the nature of allegations and the facts that the daughter of the *de facto* complainant had married the petitioner and had given birth to a child, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case, more so when upon completion of investigation charge sheet has been submitted.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Milan Das**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each to the satisfaction of the Arresting Officer and also 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. 10542 of 2020 is, thus, disposed of.

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

(Subhasis Dasgupta, J)

(Tapabrata Chakraborty, J)