

09.03.2021
Court No.28
Item No. 126
Krishnendu
Allowed

CRM 10822 of 2020
(Via video Conference)

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

And

In Re : Kousik Saw @ Show

Petitioner

Mr. Pravas Bhattacharya

For the Petitioner

Mr. Shiladitya Banerjee

For the State

Apprehending arrest in connection with Salboni P.S. Case
No. 180 of 2020 dated 12.10.2020 under sections 417/376/506
of the Indian Penal Code, the petitioner has filed the present
application.

Mr. Bhattacharya, learned advocate appearing for the
petitioner submits that the *de facto* complainant willingly
maintained a relationship with the petitioner, as would be
evident from the contents of the complaint itself and in view of
the nature of allegations, the custodial interrogation of the
petitioner is not warranted.

The learned advocate appearing for the State opposes the
petitioner's prayer for anticipatory bail and draws our attention
to the statement of the victim lady, as recorded under section
164 of the Code of Criminal Procedure.

We have perused the contents of the complaint as well as
the statement of the victim lady, as recorded under section 164
of the Code of Criminal Procedure. *Prima facie*, it appears that
the victim lady had a relationship with the petitioner since the

year 2016. In view thereof and considering the nature of allegations, 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, **Kousik Saw @ Show**, 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, however, meet with the Investigating Officer as and when called for since charge sheet has not yet been submitted.

The application for anticipatory bail, being CRM No. 10822 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.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)