

15.02.2022

Court No.32
rpan / **44**

CRM (A) 281 of 2022

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

And

In Re.: **Arindam Chowdhury**

- Petitioner

Mr. Uday Sankar Chattopadhyay,
Mr. Suman Sankar Chattopadhyay,
Mr. Santanu Maji

... for the Petitioner.

Mr. Tanmoy Kumar Ghosh,
Mr. Arindam Sen

... for the State.

Apprehending arrest in connection with Burdwan Police Station Case No.1427 of 2021 dated 16.12.2021 under Sections 420/376/384/506 of the Indian Penal Code, 1860, the petitioner has filed the present application.

Mr. Chattopadhyay, learned advocate appearing for the petitioner submits that the petitioner is a clerk of an educational institution. He has been falsely implicated by the *de facto* complainant, who happens to be a married lady and is an assistant teacher of an educational institution. Both of them are adults. There was a consensual relationship between them. The *de facto* complainant had also filed a divorce suit against her husband. In the said conspectus, custodial interrogation may not be necessary and the petitioner may be granted anticipatory bail.

Mr. Ghosh, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim lady, as recorded under Section 164 of the Code.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

The petitioner and the *de facto* complainant are adults and *prima facie*, it cannot be totally ruled out that the *de facto* complainant was not aware of the consequences of her relationship with the petitioner. Considering the nature of accusations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we allow this application and direct that in the event of arrest the petitioner, namely, **Arindam 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 with a further condition that he shall meet with the Investigating Officer of the case once a week till investigation is complete.

It is further directed that the petitioner shall attend the learned court below on all the dates, as specified for hearing and shall not tamper with the evidence and/or intimidate the witnesses in any manner whatsoever.

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

The application for anticipatory bail, being CRM (A) 281 of 2022 is, thus, disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)