

15.03.2022  
Item no. 16  
Court No.32  
Avijit Mitra

**C.R.M.(A) 635 of 2022**

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

And

**In Re : Prakash Das**

.... Petitioner

Mr. Pawan Kumar Gupta,  
Mr. Sougata Mitra,  
Ms. Sofia Nesar,  
Mr. Santanu Sett

...for the petitioner

Mr. Sudip Ghosh,  
Mr. Bitasok Banerjee

....for the State

Apprehending arrest in connection with Para Police Station Case No.05 of 2022 dated 14.01.2022 under Sections 366/368/388/500/506 of the Indian Penal Code, the present application has been preferred.

Mr. Gupta, learned advocate appearing for the petitioner submits that there was a consensual relationship between the petitioner and the victim lady. Both of them are adults. Their marriage was solemnized on 25<sup>th</sup> October, 2021. Such marriage was, however, not accepted by the family of the victim and the victim girl was persuaded to lodge the present complaint. Prior thereto, the petitioner had also filed a suit for restitution of conjugal rights. In the said conspectus, custodial interrogation may not be necessary.

The learned advocate appearing for the State, however, opposes the petitioner's prayer and draws our attention to

several documents in the case diary and submits that investigation is still continuing.

Heard the learned advocates appearing for the respective parties.

From the materials in the case diary it appears that the victim lady refused medical. Both the petitioner and the victim lady are adults.

*Prima facie*, it also appears that the relationship between them was consensual in nature. Considering the nature of accusations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that his custodial interrogation may not be necessary.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Prakash Das**, 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 with a further condition that until further orders, the petitioner shall not enter the jurisdiction of Para Police Station save and except for meeting with the Investigating Officer of the case once a week till investigation is complete.

The petitioner shall intimate the address where he would be residing to the Officer-in-Charge, Para Police Station immediately.

The petitioner shall attend the learned Trial Court on all the dates as specified for hearing.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

Accordingly, the application for anticipatory bail being C.R.M.(A) 635 of 2022 is 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.)**