

14.01.2022
Item no. 21
Court No.32
Avijit Mitra

C.R.M. 8420 of 2021 (Through Video Conference)

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

And

In Re : Amit Bar

.... petitioner

Mr. Somnath Adhikary

....for the petitioner

Mr. Swapan Banerjee,

Mr. Pravas Bhattacharya

..... for the State

Apprehending arrest in connection with Tamluk Police Station Case No.863 of 2021 dated 15.10.2021 under Sections 363/365/366/368 of the Indian Penal Code, the present application has been preferred.

Mr. Adhikary, learned advocate appearing for the petitioner submits that there was a love relationship between the petitioner and the victim girl. She willingly left her residence without any persuasion and accompanied the petitioner. The victim girl has also been recovered and in the said conspectus, custodial interrogation of the petitioner, who is only 23 years old, is not warranted.

Mr. Bhattacharya, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim girl as recorded under Section 164 of the Code and submits that investigation is still continuing.

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

It appears that the relationship was consensual in nature. The victim girl has already been recovered. Considering the nature of accusation and the extent of complicity of the petitioner, we are of the opinion that custodial interrogation is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner namely, **Amit Bar** 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 the petitioner shall meet with the Investigating Officer once a week till investigation is complete.

The petitioner shall also intimate the address where he would be residing to the Investigating Officer 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.

The application for anticipatory bail being C.R.M. 8420 of 2021 is disposed of.

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

(Md. Nizamuddin, J.)

(Tapabrata Chakraborty, J.)