

09.02.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 593 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Baranagar** Police Station Case No. **742** of **2022** dated **23.12.2022** under Sections 323/354A/354C/420/506/34 of the Indian Penal Code.

And

In Re : Ashoke Dey & Anr.

..... petitioners

Mr. Soumyajit Das Mahapatra
....for the petitioners

Mr. Shiladitya Banerjee
....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, there is a previous police complaint lodged by the petitioner No. 1 against the de-facto complainant claiming that the de-facto complainant was blackmailing him.

Learned advocate appearing for the State submits that, the de-facto complainant refused to record her statement under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

The police complaint of the petitioner No. 1 is first in point of time where, there is a claim of the de-facto complainant seeking to blackmail him.

The de-facto complainant in the present case did not record her 164 Cr.P.C. statement.

The materials in the case diary do not suggest the requirement of the custodial interrogation of the petitioners.

In such circumstances, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner no. 1 (Ashoke Dey) shall meet the Investigating Officer once a month till the conclusion of the investigation and petitioner no. 2 (Purnima Dey) shall cooperate with the Investigating Officer till the conclusion of the investigation and on condition that the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

