

12.10.2023

WPA 22460 of 2023

**Manoj Das
Vs.
The State of West Bengal & Ors.**

Ms. Devipriya Mitra
Mr. Dhiman Ray
Mr. Dip Chanda

... .. for the petitioner

Mr. Anirban Roy
Mr. Sk. Md. Galib
Mr. Tamal Taru Panda

... .. for the State

Affidavit of service filed on behalf of the petitioner is taken on record.

Despite service, on one appears on behalf of the private respondent.

Learned counsel appearing on behalf of the petitioner submits that in spite of a direction passed by this Court granting anticipatory bail, the investigating officer is not recording the attendance of the accused petitioner.

Learned counsel appearing on behalf of the State relies on the report and submits that on one occasion attendance could not be recorded because the moment the investigating officer asked the petitioner about the reason why he was threatening the de facto complainant, he left in a hurry. On a second occasion the petitioner disclosed that he would go out of the jurisdiction of the police station along with his wife.

Whatever be the reason and the circumstance, when the petitioner approaches the investigating officer

to give attendance in connection with the directions passed by this Court, the investigating officer ought to record the same.

Any other circumstance like an allegation of threat or intimidation to witnesses may be used by the State as ground for cancellation and/or modification of the order. But that is no reason to deny the petitioner the recording of his attendance at the police station.

Let the investigating officer strictly comply the directions passed by this Court and record attendance of the accused when he visits the police station for such purpose in terms of the order passed by this Court.

No further order need be passed in this regard.

With the aforesaid observations, the writ petition is disposed of without any costs.

Urgent certified copy of this order, if applied for, be supplied to the parties upon compliance of all requisite formalities.

(Jay Sengupta, J.)