

20.02.2024

Serial no. 10

Anticipatory bail

[Allowed]

Dd

CRM (A) 557 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **22** of **2024** dated **08.01.2024** under Sections **448/376/511/354B/506/34** of the Indian Penal Code, 1860.*

-And-

*In the matter of : **Biswajit Majumder***

*... .. **Petitioner***

*Ms. Minoti Gomes,
Mr. Amanul Islam,
Mr. Sourav Mukherjee,
Ms. Dona Sanyal, Advocates*

... .. For the Petitioner

Mr. Sandip Chakraborty, Advocate

... ..For the State

Affidavit-of-service filed in Court be taken on record.
None appears for the victim despite service.

This is the third police complaint between the private parties. There is an earlier police complaint at the behest of the de facto complainant, *inter alia*, under Section 498A of the Indian Penal Code, 1860. There is a second police complaint against the de facto complainant lodged at the behest of the petitioner before us.

We perused the statement of the de facto complainant recorded under Section 164 of the Criminal Procedure Code. De facto complainant refused to undergo medical examination.

Materials in the case diary do not make out a compelling case for custodial interrogation.

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

Accordingly, we direct that in the event of arrest the petitioner 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 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 shall report before the Investigating Officer once in a month till the conclusion of the investigation and on further condition that the petitioner 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 petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 557 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)