

22.02.2024  
SL No. 21  
Ct No. 29  
SB

C.R.M. (A) 590 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Amherst Street** P.S. Case No. 27 of 2024 dated 25.01.2024 under Section 376/417/420/406 of the Indian Penal Code.

And

In the matter of: Umesh Kumar Shaw @ Umesh Shaw  
....Petitioner

Mr. Sandipan Ganguly, Sr. Adv.  
Mr. Debajyoti Deb  
Mr. Shyamal Mondal  
Miss. Somdyuti Parekh  
Miss. Ahana C. Routh

...for the Petitioner

Mr. Jaydeep Biswas

...for the State

Mr. Amal Kumar Saha  
Ms. Irish Paul

...for the de facto complainant

Petitioner prays for anticipatory bail.

Learned counsel for the petitioner submits that the petitioner and the de facto complainant are adults. Both are married to different persons. There was a business relationship between the petitioner and the *de facto complainant*. Petitioner was falsely implicated.

State and *de facto complainant* are represented.

Learned counsel for the State draws the attention of the court to the materials in the case diary including the statement of the *de facto complainant* recorded under Section 164 of the Cr.P.C. and points out that the petitioner took a sum of Rs. 25 lakh and odd from the *de facto complainant* after selling her flat.

Learned counsel for the *de facto complainant* submits that petitioner promised to marry the *de facto complainant*. The petitioner was initially married to one person. Without obtaining divorce petitioner entered into a relationship with the *de facto complainant* with the promise of marriage. Thereafter, the petitioner married a third person.

Apparently, the *de facto complainant* was aware of the marital status of the petitioner when she entered into a relationship with him. In fact, the *de facto complainant* herself was married to another person.

Both the petitioner and the *de facto complainant* are adults.

Apparently, there are documents to suggest that there was also a business relationship between the petitioner and the *de facto complainant* also.

In such circumstances, we grant anticipatory 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/-, 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. The petitioner shall appear before the Investigating Officer once in a fortnight. 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)