

11.06.2024

Court No.29

Item No. 04

Allowed

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CRM (A) 1810 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kenda Police Station Case No. 23 of 2024 dated 15.04.2024 corresponding to G.R Case No. 717 of 2024 under Sections 417/376/120B of the Indian Penal Code.

And

In Re: **Joydev Mahato @ Joydeb Mahato**

Petitioner

Mr. Pawan Kumar Gupta

Mr. Sougata Mitra

Ms. Sofia Nesar

Mr. Santanu Sett

Mr. S. Chatterjee

Ms. Soma Chakraborty

For the Petitioner

Mr. Sanjoy Bardhan

Ms. Kanchan Ray

For the State

Mr. Soumik Ganguly

Mr. Satyajit Mahata

For the De-facto Complainant

1. Learned counsel for the petitioner submits that the petitioner is having a romantic relationship with the de-facto complainant and he has been falsely implicated in the instant case.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the victim recorded under Section 164 Cr.P.C.
3. Learned counsel for the de-facto complainant has submitted that the accused petitioner has promised to marry the de-facto complainant and thereafter refused to marry.

4. Considering the materials available in the case diary and the nature and complicity of the petitioner in the alleged offence, we are of the view that custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner namely, **Joydev Mahato @ Joydeb Mahato** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, one of whom must be local, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall meet the Investigating Officer once in a week or as and when called for till the submission of the final report. The petitioner shall appear before the jurisdictional Court within two weeks from date.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)