

11.06.2024
Court No.29
Item No. 29

Allowed

sg

CRM (A) 1870 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Nimta Police Station Case No. 54 of 2024 dated 27.02.2024 under Sections 417/376/506 of the Indian Penal Code.

And

In Re: Avishek Dutta alias Abhishek Dutta

Petitioner

Mr. Indranuj Dutta
Mr. Aniruddha Bhattacharya
Mr. Atanu Basu
Ms. Benazir Sk.

For the Petitioner

Mr. Suman De
Ms. Atulya Sinha

For the State

1. The affidavit of service filed by the petitioner shows that the victim has refused to accept the notice. The postal envelope with the endorsement of the postal authorities is taken on record.
2. The learned Counsel for the petitioner has submitted that the petitioner was in a romantic relationship with the victim but ultimately it did not fructify.
3. The learned Counsel for the State submits that there is a relationship between the parties which would be evident from the statement of the victim recoded under Section 164 of the Code of Criminal Procedure. It is further submitted that the victim has refused medical examination.

4. Considering the materials available in the case diary and the nature of relationship between the parties, we are of the view that custodial interrogation of the present petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest the petitioner, namely, **Avishek Dutta alias Abhishek Dutta**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure. The petitioner shall meet the I.O. once in a week till the submission of the final report and shall appear before the learned Trial Court within two weeks from date and thereafter shall attend the court on each and every date failing which, it would be open for the learned Trial Court to cancel the bail without any further reference to this Court.
6. Accordingly, the prayer for anticipatory bail of the petitioners is allowed.
7. CRM (A) 1870 of 2024 is, thus, disposed of.
8. 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.)