

10.07.2024

Court No.29

Item No. 03

Allowed

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CRM (A) 1976 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Jamuria Police Station Case No. 160 of 2024 dated 03.04.2024 corresponding to G.R Case No. 935 of 2024 under Sections 376/417 of the Indian Penal Code.

In Re: **Baidyanath Roy**

Petitioner

Mr. Ayan Bhattacharya
Mr. Kunal Ganguly

For the Petitioner

Mr. Shiladitya Banerjee
Mr. Prokash Mitra

For the State

Mr. Amit Roy

For the De-facto Complainant
(appointed by Legal Aid)

Mr. Tamal Singha Roy

For the De-facto Complainant

1. Learned counsel for the petitioner submits that the petitioner and the victim were in romantic relationship and due difference of opinion a false compliant has been lodged.
2. Learned counsel for the State has produced the case diary, which contains the statement of the victim recorded under Section 164 Cr.P.C.
3. Learned counsel for the de-facto complainant has submitted that the family members of the petitioner are threatening and intimidating the victim.
4. Considering the materials available in the case diary, the relationship between the parties as revealed from the statement of the victim, 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, **Baidyanath Roy** 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, 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 and shall not enter the jurisdiction where the victim is residing, except for the purpose of meeting the I.O till the submission of the final report. The petitioner shall also inform the I.O regarding the present address, where he shall be presently residing and shall also inform the Officer-in-charge of concerned police station, where he shall be presently residing, disclosing such facts and on further condition that the petitioner shall appear before the learned Chief Judicial Magistrate, Paschim Bardhaman within two weeks from date. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.
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)

