

24.06.2024

Court No.29

Item No. 31

Allowed

ar

CRM (A) 1953 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kamarhati Police Station Case No. 51 of 2024 dated 02.04.2024 under Sections 323/376/493 of the Indian Penal Code.

And

In Re: **Uday Kumar Shaw @ Uday Shaw**

Petitioner

Mr. Manojit Debnath

For the Petitioner

Mr. Saibal Bapuli, Ld. APP

Ms. Baishakhi Chatterjee

For the State

1. In spite of service, the victim is not represented.
2. Learned counsel for the petitioner submits that the petitioner was in a love relationship with the victim and he has been falsely implicated in the instant case. Both are married. He further submits that it is clear from the F.I.R that a false accusation has been made against the petitioner.
3. 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 and the statement of the husband recorded under Section 161 Cr.P.C.
4. Considering the materials available in the case diary and the petitioner and the victim were in love relationship, 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, **Uday Kumar Shaw @ Uday Shaw** 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 of Kamarhati Police Station, except for the purpose of meeting the I.O till the submission of the final report. The petitioner shall also furnish the full address, where he shall be presently residing, to I.O and on further condition that the petitioner shall appear before the jurisdictional Court 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)