

02.07.2024

Court No.29

Item No. 40

Allowed

ar

CRM (A) 2042 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No. 824 of 2023 dated 20.10.2023 corresponding to S.L No. 2107 of 2023 under Sections 326/30734 of the Indian Penal Code.

And

In Re: **Debashish Karmakar**

Petitioner

Mr. Atis Kumar Biswas

For the Petitioner

Mr. Sudip Kumar

For the State

1. Learned counsel for the petitioner submits that the petitioner is innocent and on the date of the alleged occurrence he was out of station. It is submitted that the petitioner is working in a company situated at Mumbai since last 9 years and a false case has been fabricated against the petitioner.
2. Learned counsel for the State has opposed the prayer for anticipatory bail and submits that the petitioner is a paramour of the wife of the victim and has produced the case diary and more particularly the statement of the victim recorded under Section 164 Cr.P.C.
3. Considering the materials available in the case diary, the nature and complicity of the petitioner in the commission of the alleged offence, the statement under Section 164 Cr.P.C the name of the petitioner does not mention and the principal accused Sandhya Pal enlarged on bail by a coordinate bench on 19.03.2024 upon completion of investigation and the

fact that the charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioner is not necessary.

4. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Debashish Karmakar** 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 and on further condition that the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Tehatta, Nadia corresponding to S.L No. 2107 of 2023 within two weeks from date and the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the petitioner shall appear on every date before the aforesaid Court on and from the date fixed for appearance of the accused. 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.
5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
6. 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)

