

18.07.2024
SL No.18
Court No.29
(gc)
(Allowed)

CRM (A) 2070 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Nandigram Police Station Case No.0774 of 2023 dated 21.05.2023 under Sections 363/365/376/34 of the Indian Penal Code.

And

In the matter of : **Ashok Das & Anr.**

- Petitioners.

Mr. Debabrata Roy,
Mr. Bibekananda Tripathy
....For the Petitioners.

Mr. Sarjati Dutta,
Mr. Raju Mondal
... For the State.

1. The learned Counsel for the petitioners submits that the petitioners are innocent and they have been falsely implicated.
2. In spite of repeated reminders, the opposite party nos.2 and 3 are not represented.
3. Service report filed on behalf of the State is taken on record.
4. On the earlier occasion, in spite of service, the opposite parties were also not represented.
5. The learned Counsel for the State has produced the case diary and the statement of the victim/opposite party no.3.
6. Considering the materials available in the case diary and, *prima facie*, it appears that the relationship was consensual and the chance of false accusation cannot be totally ruled out, we are of the view that the custodial interrogation of the petitioners is not necessary.

7. Accordingly, we direct that in the event of arrest, the petitioners, namely, **Ashok Das** and **Kanai Das**, shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further directed that the petitioners shall meet the Investigating Officer once in a week till the submission of the final report and shall appear before the learned Additional Chief Judicial Magistrate, Haldia at Purba Medinapur in connection with G.R. Case No.1594 of 2023 within two weeks from date.
8. Accordingly, the application for anticipatory bail is disposed of.
9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Uday Kumar, J.)