

11.07.2024
SL No.13
Court No.29
(gc)
(Allowed)

CRM (A) 2313 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Manteswar Police Station Case No.243 of 2024 dated 16.05.2024 under Sections 376/506 of the Indian Penal Code.

And

In the matter of : **Debasis Koner @ Debasish Koner**

- Petitioner.

Mr. Uday Sankar Chattopadhyay,
Ms. Trisha Rakshit
Ms. Aishwarya Datta

....For the Petitioner.

Ms. Sonali Das,
Ms. Mamata Jana

... For the State.

1. The affidavit-of-service filed in Court today is taken on record.
2. In spite of service, the victim is not represented.
3. The learned Counsel for petitioner submits that a false complaint has been lodged against the petitioner. It is submitted that the victim was in relationship with the petitioner.
4. The learned Counsel for the State has produced the case diary and opposed the prayer for anticipatory bail.
5. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence, the statement of the victim recorded under Section 164 of the Cr.P.C. and also on consideration of the medical report, we are of the view that the custodial interrogation of the petitioner is not necessary.

6. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Debasis Koner @ Debasish Koner**, 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 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 petitioner shall meet the Investigating Officer once in a week till the submission of the final report and shall stay outside the jurisdiction of Police Station Manteswar.
7. It is further directed that the petitioner shall provide the address where he shall be presently residing with the Investigating Officer as well as the Officer-in-Charge of the local Police Station where he shall be residing.
8. It is also directed that the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Kalna, Purba Bardhaman in connection with G.R. Case No.1251 of 2024 within two weeks from date.
9. Accordingly, the application for anticipatory bail is disposed of.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Sugato Majumdar, J.)