

04.01.2024

Sl.24

Court No.29

(AD)

(Allowed)

C.R.M. (A) 5697 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Balagarh** Police Station Case No.**416 of 2023** dated **19.10.2023** under Sections **417/376(2)(n)/323/506** of the Indian Penal Code, 1860, corresponding to G.R. Case No.2968 of 2023.

And

In the matter of: **Basudeb @ Basudev Debnath**

....petitioner.

Mr. Sandipan Ganguly, Ld. Sr. Advocate

Mr. Abhishek Banerjee

Ms. Priyanka Sarkar

... for the petitioner.

Ms. Puspita Saha

...for the State.

Affidavit of service filed in Court be taken on record.

None appears for the de facto complainant despite service.

We perused the materials in the case diary.

The de facto complainant recorded her statement under Section 164 of the Code of Criminal Procedure where, she acknowledges that she and the petitioner before us were in a relationship over a period of at least three years.

Apparently, the relationship between the petitioner and the de facto complainant turn sour.

As to whether parameters of such relationship as claimed by the de facto complainant is a subject matter which can be considered at the trial, if raised.

Both the petitioner and the de facto complainant are adults.

In such circumstances, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 5697 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)