

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

15.07.2019

Court No.01
Item No. 145
CHC/gc

CRM 256 of 2019

(Allowed)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 22.04.2019 in connection with Naxalbari Police Station Case 56/19, dated 14/4/2019 under Sections 341/323/493/376/379/506/34 of the Indian Penal Code.

And

In the matter of : **Biswajit Roy & ors.**

.....Petitioners

Mr. Sayan De, Advocate

....For the Petitioners

Mr. Arun Kumar Sarkar, Ld. A.P.P.

Mr. Tapan Bhattacharjee, Advocate

.....For the State

It is submitted by the learned advocate for the petitioners that the petitioners have been falsely implicated in this case and the instant case is nothing but a fall out of wrongful exercise of independent authority of the de-facto complainant who is a married lady and in spite of being married lady having a daughter of her own, she maintained an illicit affairs with the petitioner no.1-accused for the last six years. Petitioner nos.2 to 6 are the near relatives of the principal accused/petitioner no.1.

Learned Additional Public Prosecutor raises strong objection against the prayer for bail and submits that the petitioner no.1 has purposefully maintained sexual relationship with the de-facto complainant promising her to marry which is against the spirit of the law.

Upon consideration of the statement already collected by the investigating officer together with the statement of the victim recorded under Section 164 Cr.P.C., we are inclined to

grant anticipatory bail to the petitioner nos.1 to 6. Accordingly in the event of arrest, petitioner nos.1 to 6 shall be released on bail upon furnishing a bond of Rs.10,000/- (rupees ten thousand) with two sureties of Rs.5000/- (rupees five thousand) each, subject to the satisfaction of the investigating officer and on condition that the petitioners shall be subject to the condition as incorporated under Section 438(2) Cr.P.C. and on further condition that they shall ensure their appearance before the learned court below and obtain regular bail within a fortnight from the date of this order.

C.R.M.256 of 2019 is disposed of.

(Subhasis Dasgupta, J.)

(Soumen Sen, J.)