

24.08.2021

Court No.28
Item No.15

Akd
&
As

CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT
JALPAIGURI

CRM 242 of 2021

(Via Video Conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Mathabhanga Police Station Case No. 509 of 2020 dated 04.12.2020 under Sections 417/376/325/34 of the Indian Penal Code;

And

In the matter of : **Sushanta Barman & Ors.**
...Petitioners

Mr. Sabir Ahmed,
Mr. Hillol Saha Poddar.

...For the Petitioners

Mr. Arun Sarkar,
Ms. Namrata Das.

...For the State.

Apprehending arrest in connection with Mathabhanga Police Station Case No. 509 of 2020 under Sections 417/376/325/34 of the Indian Penal Code, the petitioners, being the family members of the principal accused, namely, Jayanta Barman, have filed the instant application for anticipatory bail.

In course of hearing it transpires that the principal accused Jayanta Barman had been enlarged on bail by the Trial Court and the present petitioners are still chased by the police in connection with the aforementioned case.

The case has been registered under Sections 417/376/325/34 of the Indian Penal Code. The victim lady is major and according to the learned Advocate for the petitioner, she had a love affair with the principal accused, namely Jayanta Barman, who later on refused to marry her and the fringe players are still chased by the police when the principal accused has already been enlarged on bail.

We thus do not find any justification in custodial interrogation of the present petitioners.

The prayer for anticipatory bail is thus allowed.

Accordingly, in the event of arrest, the petitioners 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 of the concerned police station subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure with further condition that so far as the petitioner nos. 1 and 4 are concerned, they shall meet the Investigation Officer once in fortnight and the rest petitioners shall meet the Investigating Officer as and when required or called for until further order.

Default without any plausible reason on a solitary occasion to appear before the Investigating Officer may entitle the prosecution to apply for cancellation of the liberty granted in this order and if such approach is made, the concerned Court would decide the same independently without any further reference to this Court.

The application for anticipatory bail, being CRM 242 of 2021 is thus **disposed of**.

(Harish Tandon, J)

(Md. Nizamuddin, J.)