

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

20.09.2021

Court No.01
rpan / **71**

C.R.M. 246 of 2021

In Re:- An application for anticipatory bail under section 438
of the Code of Criminal Procedure;

And

In Re : **Sri Kajal Roy**

- Petitioner.

Mr. Kalipada Das

... for the petitioner.

Mr. Nilay Chakraborty,

Mr. Saikat Chatterjee

... for the State.

Apprehending arrest in connection with Alipurduar Women Police Station Case No.01 of 2021 dated 02.01.2021 under Sections 376/506 of the Indian Penal Code, the petitioner has filed the present application.

Mr. Das, learned advocate appearing for the petitioners submits that there was a love relation between the petitioner and the *de facto* complainant, who is a married lady. The allegations levelled against the petitioner are unfounded and the complaint was lodged by the *de facto* complainant about 8 days after the alleged incident and upon being pressurized by the relatives of her husband. In the said conspectus, custodial interrogation of the petitioner is not necessary.

Mr. Chakraborty, learned advocate appearing for the State opposes the petitioner's prayer for anticipatory bail and draws our attention to several documents in the case diary including the injury report and the statements of the witnesses, as recorded under Section

161 of the Code. He further submits that investigation is still in progress.

Having heard the learned advocates and considering the materials in the case diary, the injury report, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that his custodial interrogation is not warranted in the facts and circumstances of the case. However, the movement of the petitioner needs to be restricted.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sri Kajal Roy** 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that he shall not enter the jurisdiction of Alipurduar Police Station, save and except for meeting with the investigating officer once in a week on and from 27th September, 2021 until further orders and he shall also immediately intimate the address where he would be residing to the investigating officer.

The application for anticipatory bail being CRM 246 of 2021 is, thus, allowed.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)