

22.09.2021
Court No.01
Item No. 11
Allowed
Krishnendu

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

**CRM 334 of 2021
(Via Video Conference)**

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

And

In Re : **Biswajit Karjee**

Petitioner

Mr. Arijit Ghosh

Mr. Swarnali Ghosh (Sengupta)

For the Petitioner

Mr. Sagnik Sankar Sikdar

For the State

Apprehending arrest in connection with Alipurduar Police Station

Case No. 556 of 2019 dated 18.12.2019 under sections 376/109 of the

Indian Penal Code, 1860, the petitioner has filed the present
application.

Mrs. Ghosh (Sengupta), learned advocate appearing for the
petitioner submits that though the petitioner's earlier anticipatory bail
application was rejected on 13th January, 2020, the present application
is maintainable since there had been a substantial change in the facts
and circumstances of the case due to subsequent events. She further

submits that during pendency of the present application, the *de facto* complainant married the accused, namely, Biswajit Karjee, the petitioner herein, on 25th November, 2020 and the said marriage was also registered and presently they are residing together. In support of such contention, she has drawn our attention to the documents annexed to the present application. She submits that upon completion of investigation, charge sheet has also been submitted and as such custodial interrogation of the petitioner is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to several documents in the case diary.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

It appears that there had been a substantial change in the facts circumstances of the case due to subsequent events and in view of such change in the situation and mollification of the accusations, we are of the opinion that custodial interrogation of the petitioner is not warranted in the facts and circumstances of the case.

Accordingly, we allow this application and direct that in the event of arrest, the petitioner, namely, **Biswajit Karjee** , shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each 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.

The application for anticipatory bail, being C.R.M. No. 334 of 2021 is, thus, disposed of.

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)