

**Calcutta High Court
In The Circuit Bench at Jalpaiguri**

**CRM 337 of 2021
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Jalpaiguri Women Police Station Case No.12 of 2021 dated 19.02.2021 under Sections 354C/376D/506 of the Indian Penal Code.

And

In the matter of: Bapi Barman @ Bapi Roy @ Bura

.... Petitioner

Mr. Debajit Kundu

... For the Petitioner

Mr. Tapan Bhattacharjee,
Ms. Namrata Das.

... For the State

Learned counsel for the petitioner submits, by relying on paragraph 7 of the anticipatory bail application, that the *de facto* complainant and the petitioner are next-door neighbours and due to a quarrel with her husband, the victim left her house with the petitioner. Subsequently, she was pressurized by her husband to lodge a complaint against the petitioner when she returned. It is submitted that the complaint was lodged seven days after the alleged incident.

Learned counsel appearing for the State opposes the prayer for anticipatory bail and submits that there are serious allegations against the petitioner as well as another co-accused. It is submitted that the delay of seven days might have been caused by reasons which need not necessarily be suspicious.

It appears, upon perusal of the records, that the allegations made in the statement of the victim under Section 164 of the Code of Criminal Procedure indicate that she had a quarrel with her husband and left the place and met the petitioner at a different place and had a meal with him and thereafter the offence was committed by blackmailing on the basis of indecent photographs of the petitioner.

However, there are apparent contradictions in such complaint insofar as the petitioner allegedly went to meet her husband at the call of the petitioner immediately after she left the house due to such quarrel and also went to have a meal with the petitioner. Be that as it may, prima facie, there is sufficient reason to grant the benefit of anticipatory bail to the petitioner.

Accordingly, CRM 337 of 2021 is allowed, thereby granting anticipatory bail to the petitioner. In the event of arrest, the petitioner shall be released immediately on bail upon furnishing security of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer. The petitioner shall meet the investigating officer once in a fortnight. The petitioner shall also comply with the conditions stipulated in Section 438(2) of the Code of Criminal Procedure.

(Sabyasachi Bhattacharyya, J.)

(Kausik Chanda, J.)