

23.11.2021

Item No.41

Ct.No.1

dc./gsd

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

C.R.M. 385 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 Siliguri PS Case No. 1341 of 2020 dated 6.11.2020 (GR Case No. 5081 of 2020) under Sections 341/323/376 of the Indian Penal Code.

And

In the matter of : **Tanmoy Das**

... Petitioner.

Mr. Milan Mukherjee, Sr. Adv.

Mr. Rahul Ganguli

Mr. Abhijit Raha

... for the petitioner

Mr. Tapan Bhattacharjee

Mr. Aniruddha Biswas

... For the State.

Mr. Mukherjee, Learned Senior Advocate, appearing for the petitioner submits that the petitioner being a government doctor has been falsely implicated in connection with the instant case and there has been deviation in the conduct of the complainant. Learned Senior Advocate further submits that having regard to the fact that the petitioner being a government doctor and the facts as narrated fails to make out a case in its entirety, he may be released on anticipatory bail on strict condition.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail and submits that there are materials appearing against the present petitioner.

However, this Court on consideration of the materials available in the case diary and the fact that no attempts were made by the Investigating Officer since the registration of the case on 6.7.2020 till date for arresting the petitioner and the facts that the petitioner is working in a government hospital, we are of the view that although a prima facie case has been made out, custodial detention of the petitioner may not be warranted in the given circumstances of the case.

Accordingly, we **allow** the application for anticipatory bail and direct that in the event of arrest, the petitioner, namely **Tanmoy Das** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the Arresting Officer/Investigating Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet with the Investigating Officer of the case once in a week on and from 1st December, 2021 until further orders or, as modified by the jurisdictional Court.

The application for anticipatory bail, being CRM 385 of 2021 is disposed of.

All parties shall act on the server copy of this order, duly obtained from the official website of the Hon'ble High Court Calcutta.

Urgent Xerox certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Tirthankar Ghosh, J.)

(Subrata Talukdar, J.)