

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

22.09.2021

Court No.01
rpan / 19

C.R.M. 396 of 2021

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

And

In Re : **Sri Biplab Mandal**

- Petitioner.

Mr. Subhankar Dutta,
Mr. Debajit Kundu
... for the petitioner.

Mr. Saikat Chatterjee,
Ms. Namrata Das
... for the State.

Apprehending arrest in connection with Maynaguri Police Station Case No.521 of 2020 dated 05.12.2020 under Sections 448/376/511 of the Indian Penal Code, 1860, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that there was a civil dispute between the parties and the petitioner has been falsely implicated. There was a love relationship between the petitioner and the *de facto* complainant. The complaint was also not immediately lodged by the *de facto* complainant. Upon completion of investigation, charge sheet has been submitted. In the said conspectus, 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, including the statement of the victim lady, as recorded under Section 164 of the Code.

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not necessary, more so when upon completion of investigation, charge sheet has been submitted. However, to instill confidence in the mind of the witnesses, the petitioner's movement needs to be restricted.

Accordingly, we direct that in the event of arrest, the petitioner **Sri Biplab Mandal** 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 condition that he shall not enter the jurisdiction of Maynaguri Police Station, save and except for meeting with the Officer-in-charge once in a fortnight on and from 29th September, 2021 until further orders.

The petitioner shall also immediately intimate the address where he would be residing to the Officer-in-charge.

With the above observations, the application for anticipatory bail, being CRM 396 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.)