

22.09.2021
Court No.01
Item No. 25
Allowed
Krishnendu

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

**CRM 404 of 2021
(Via Video Conference)**

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

And

In Re : **Suraj Mandal**

Petitioner

Ms. Jeenia Rudra

For the Petitioner

Mr. Arun Kumar Sarkar

Mr. Tapan Bhattacharjee

For the State

Apprehending arrest in connection with Maynaguri Police Station

Case No. 65 of 2021 dated 05.02.2021 under sections 493/417 of the

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

The learned advocate appearing for the petitioner submits that it
would be explicit from the contents of the complaint lodged against
the petitioner that the *de facto* complainant was having a relationship
with the petitioner for more than three years and that subsequently
she came to learn that the petitioner is a married person. The

allegations, as levelled, are absolutely unfounded and in the said conspectus, custodial interrogation of the petitioner is not necessary.

Mr. Bhattacharjee, learned advocate appearing for the State, opposes the petitioner's prayer and draws our attention to the statement of the victim lady, as recorded under section 164 of the Code of Criminal Procedure.

Having heard the learned advocates appearing for the respective parties 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 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, **Suraj 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and with a

further condition that the petitioner shall meet with the Investigating Officer once a week on and from 29th September, 2021 until further orders.

The application for anticipatory bail, being C.R.M. No. 404 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)