

14.06.2021

Court No.30
Item No.05
(ALLOWED)

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&
ab

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

(Via Video Conference)

CRM 613 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kumargram Police Station Case No. 83 of 2021, dated 01.05.2021 (G.R. Case No. 723 of 2021) under Sections 417/376D/120B of the Indian Penal Code.

And

In the matter of : **Minati Basumata & Ors.**
...Petitioners

Mr. Hillol Saha Poddar
...For the Petitioners

Mr. Aditi Shankar Chakraborty,
Mr. Aniruddha Biswas.
...For the State.

Petitioners seek anticipatory bail.

Learned Advocate appearing for the petitioners submits that, the complainant had a relationship with Anirudhya Basumata. The complainant was suffering from medical condition due to which the marriage could not take place. Petitioners were falsely implicated in the complaint. He seeks anticipatory bail to the petitioners.

Learned Advocate for the State submits that although the complainant recorded her statement under Section 164 of the Code of Criminal Procedure, the petitioners were not named as the persons committing rape. The allegations as against the petitioners herein are that they tortured the complainant.

In such circumstances, since the statement under Section 164 of the Code of Criminal Procedure does not allege rape as against the petitioners herein, we are inclined to grant anticipatory bail to the petitioners.

In the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like

amount each, one of whom must be local, to the satisfaction of the arresting officer of the concerned police station with conditions as laid down under Section 438(2) of the Code of Criminal Procedure and on further condition that, the petitioners shall meet the Investigating Officer once a week until further order.

CRM 613 of 2021 is disposed of accordingly.

(Debangsu Basak, J.)

(Aniruddha Roy, J.)