

11.06.2021
Sl. No.JC-6
Court No.30
BM

Calcutta High Court

In the Circuit Bench at Jalpaiguri

CRM 638 of 2021

(Via Video Conference)

In Re: An application for bail under Section 438 of the Code of Criminal Procedure, 1973.

And

In the matter of : Dipu Sarkar

... Petitioner

Mr. Jeenia Rudra ... for the petitioner

Mr. Aniruddha Biswas ... for the State

The petitioner is apprehending arrest as the Police is searching him. It is pointed out that the matter has amicably settled between the parties and the father of the defacto complainant has already submitted an affidavit about such circumstances.

Learned counsel for the State submits that the offence alleged is not compoundable in nature and the defacto complainant can compound the offence that too in case of compoundable offence of non-bailable nature. It is the Magistrate who has to give permission if the compromise is initiated by the injured victim and with such submission our attention is invited to memorandum of evidence including the statements of the victim girl recorded under Section 164 of the Code of Criminal Procedure before the learned Judicial Magistrate.

Having regard to the offence alleged, we decline to admit the accused on anticipatory bail. Accordingly, the application for bail is rejected.

CRM 638 of 2021 be dismissed.

(Saugata Bhattacharyya, J.)

(Shivakant Prasad ,J.)