

15.07.2021.
09.
Akd/As
(Rejected)

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

**C.R.M. 667 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Siliguri P.S. Case No.08 of 2021 dated 04.01.2021 under Sections 493/417/323/506 of the Indian Penal Code (G. R. Case No. 28 of 2021).

In the matter of : Deolal Sah.

... Petitioner.

Mr. Jaydeep Kanta Bhomik.

.....for the Petitioner.

Mr. Ujjal Lucksom,
Ms. Namrata Das.

.....for the State.

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Siliguri P.S. Case No.08 of 2021 under Sections 493/417/323/506 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

Petitioner is said to have cohabited with the victim deceitfully inducing the victim to a belief of lawful marriage.

Learned Advocate for the petitioner submits that he established cohabitation with the victim promising her to marry. Since the petitioner ultimately failed to fulfil the

promise, this false case has been manufactured simply to harass the petitioner.

Learned Advocate for the State raises objection against the prayer for pre-arrest bail drawing our attention to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and other materials available in the Case Diary.

Having considered the submissions of both sides and bearing in mind the direct involvement of the petitioner together with the strong incriminating materials surfacing against the petitioner that the petitioner cohabited with the victim deceitfully on the pretext of a marriage, we are not inclined to grant anticipatory bail, as custodial interrogation in this case is necessary.

Accordingly, the prayer for anticipatory bail of the petitioner is considered and rejected.

The application for anticipatory bail, being CRM 667 of 2021, is thus dismissed.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)