

29.06.2021

Court No.28
Item No.05
(ALLOWED)

akd
&
as

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT**

JALPAIGURI

(Via Video Conference)

CRM 675 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Boxirhat Police Station Case No. 67 of 2017, dated 26.04.2017 under Sections 363/365/34 of the Indian Penal Code (G.R. Case No. 236 of 2017);

And

In the matter of : **Ranjit Das.**

...Petitioner

**Mr. Bibaswan Bhattacharya,
Mr. Rajendra Prasad Roy Chowdhury.**

...For the Petitioner

**Mr. Aditi Shankar Chakraborty, Ld. A.P.P.,
Mr. Tapan Bhattacharjee.**

...For the State.

Apprehending arrest in connection with Boxirhat Police Station Case No. 67 of 2017 under Sections 363/365/34 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

The instant case has been initiated on the basis of the complaint filed by the father of the wife of the present petitioner alleging kidnapping and forceful detention with bad intention.

The State relies upon the statement of the wife of the petitioner recorded under Section 164 of the Code of Criminal Procedure in support of the allegations levelled against the petitioner by her father.

The instant petition has been filed by the petitioner duly affirmed by the daughter of the complainant. Our attention has been drawn to the marriage certificate annexed to the instant application. We do not find any allegation that the wife of the present petitioner was below the age of 18 years at the time of solemnization of marriage nor any Section covered under the Protection of Children from Sexual Offences Act has been included in the First Information Report. If both the victim lady and the petitioner are major, they have

a right to choose the partner in life; they are free to take decision of their life and thus we do not find that it is a fit case for custodial interrogation of the petitioner.

The prayer for anticipatory bails is thus allowed.

Accordingly, in the event of arrest the petitioner 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 of the concerned police station and on conditions as laid down under Section 438(2) of the Code of Criminal Procedure and with further condition that the petitioner shall co-operate with the investigation.

The application for anticipatory bail being CRM 675 of 2021 is thus **disposed of**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)