

10.08.2021

Court No.28
Item No.JL-8
(ALLOWED)

Saswata

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

(Via Video Conference)

CRM 751 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Siliguri Women Police Station Case No. 75 of 2021 dated 14.06.2021 under Sections 376/417/506 of the Indian Penal Code;

And

In the matter of : **Sajal Mandal @ Sajal Mondal**
...Petitioner

Mr. Madhushri Dutta

... For the petitioner

Mr. Arun Sarkar
Mr. S.Chatterjee

...For the State.

The Advocate-on-record of the petitioners 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 Women Police Station Case No. 75 of 2021 under Sections 376/417/506 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail under Section 438 of the Code of Criminal Procedure.

Apprehending arrest in connection with the aforementioned case, the petitioner has filed the instant application praying for anticipatory bail. It is ascertained from the submission made by the learned Advocate for the petitioner that the victim lady had a love relation with the petitioner and one, Bikash Sahani. When the petitioner came to know about such relationship, he disassociated himself from the victim. This is the primary ground for lodging F.I.R. against the petitioner.

It appears that the victim lady had disclosed her relationship both with the petitioner and Bikash Sahani in her statement recorded under Section 164 of the Code of Criminal Procedure. Bikash Sahani was granted bail by this

Court in CRM 760 of 2021 vide order dated 2nd August 2021. The victim lady is a major. She knows the consequence of her relationship with the petitioner.

Under such conspectus, we are inclined to extend the benefit of Section 438 of the Code of Criminal Procedure to the petitioner.

The prayer for anticipatory bail of the petitioner is, thus, ***allowed.***

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of ` 10,000/- (Rupees Ten Thousand only) with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and he shall meet the Investigating Officer once in a week and shall cooperate with the investigation process and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail being CRM 751 of 2021 is, thus, ***disposed of.***

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)