

17.08.2021.
15.
As/Akd
(Allowed)

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

**C.R.M. 769 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Malbazar P.S. Case No.139 of 2021 dated 20.03.2021 under Sections 417/376 of the Indian Penal Code.

In the matter of : Ratan Roy.

... Petitioner.

Mr. Debajit Kundu.

.....for the Petitioner.

Mr. Ujjal Luksom,
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 Malbazar P.S. Case No.139 of 2021 dated 20.03.2021 under Sections 417/376 of the Indian Penal Code, the petitioner has filed the instant application for anticipatory bail.

According to the learned Advocate for the petitioner because of the ongoing civil disputes between two neighbouring families, the present case has been inflicted upon the petitioner so that he is forced to succumb to the unreasonable stand of the neighbouring family. There is already a proceeding pending in the other court and the present case has been filed as a retaliation thereto.

After perusal of the materials on record including the statement of the victim girl and the fact that the victim girl has

refused to undergo medical treatment, we do not find any justification in the custodial interrogation of the petitioner.

Hence, the application for anticipatory bail is, thus, allowed.

Accordingly, we direct that in the event of arrest the petitioner shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local subject to the satisfaction of the arresting officer and on condition that he shall meet the Investigating Officer once in a fortnight and as and when called for until further orders and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

Default without any plausible reason on a solitary occasion to appear before the Investigating Officer may entitle the prosecution to apply for cancellation of the liberty granted in this order and if such approach is made, the concerned Court would decide the same independently without any further reference to this Court.

The application for anticipatory bail, being CRM 769 of 2021, is thus disposed of.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)