

01.09.2021
Item no.26
Court No.32.
S.De
(allowed)

In the High Court at Calcutta

Circuit Bench at Jalpaiguri

(Via Video Conference)

CRM No. 863 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 18.08.2021 in connection with Mal Police Station Case No. 201 of 2021 dated 27.04.2021 under Sections 448/323/506/376 of the Indian Penal Code.

And

In the matter of : Swapan Roy @ Swapan Ray.

.....Petitioner.

Mr. Arijit Ghosh, Advocate,

.....for the Petitioner.

Mr. Tapan Bhattacharya, Advocate,

.....for the State.

The petitioner says that he has been falsely implicated.

There was a long-standing love affair between the petitioner and the victim who are both majors. When the victim insisted on getting married to the petitioner, the petitioner refused. That is the reason why this false complaint has been lodged.

The victim says that she was induced to keep physical relationship with the petitioner by the promise meted out to her by the petitioner that they will get married. By making such

false promise and then going back on the same the petitioner has spoilt her life.

We have seen the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. We have also seen the Medical Report. There is no injury mentioned in the Medical Report. Everything is stated to be normal in such report. Charge-sheet is yet to be filed.

On an overall assessment of the nature and gravity of the alleged offence and the material on record, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he co-operates with the Investigating Officer.

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 and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders. The petitioner shall report to the Investigating Officer of the case every fortnight until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 863 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)