

17.12.2021
Court No.01
Item No. 24

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

sg

**CRM 1146 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 Women Police Station Case No. 145 of 2021 dated 03.10.2021 under Sections 376/417/420/406/506/34 of the Indian Penal Code.

And

In Re: **Kabita Banik**

Petitioner

Mr. Biplab Sengupta

For the Petitioner

Mr. Abhijit Sarkar

Mr. Aniruddha Biswas

For the State

The learned Counsel for the petitioner submits that the petitioner is a senior citizen and has been falsely implicated in the instant case.

The learned Counsel for the State has produced the case diary and opposes the prayer for anticipatory bail.

We have perused the case diary and considered the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and it is found that the materials, prima facie, do not disclose any offence under Section 376 of the Code of Criminal Procedure as against the present petitioner. The views are prima facie and not conclusive.

Having considered the nature and extent of involvement of the petitioner in the commission of the alleged offence, we are of the view that custodial interrogation of the petitioner is not necessary and the petitioner may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Kabita Banik**, 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The prayer for anticipatory bail is allowed and CRM 1146 of 2021 is accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswajit Basu, J)

(Soumen Sen, J)