

20.12.2021  
Court No.01  
Item No. 50

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

sg

**CRM 1199 of 2021  
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Dinhata Women Police Station Case No. 40 of 2021 dated 14.06.2021 under Sections 376/417/323/109 of the Indian Penal Code.

And

In Re: **Gobinda Roy**

Petitioner

Mr. Sudip Guha

For the Petitioner

Mr. Ujjwal Luksom

Mr. Tapan Bhattacharjee

For the State

The learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in a dispute between the two families concerning marriage.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and refers to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

Having considered the materials available in the case diary and bearing in mind the nature and extent of complicity of the petitioner in the commission of alleged offence, we are of the opinion that custodial interrogation of the petitioner may not be necessary.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Gobinda Roy**, 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 and the petitioner shall meet the Investigating Officer once in a week and shall not leave the jurisdiction of the Dinhata Women Police Station without the expressed leave of the learned Additional Chief Judicial Magistrate, Dinhata. This order shall remain valid for six weeks from this date, within which time the petitioner shall surrender and obtain regular bail from the learned Trial Court and the learned Trial Court shall decide the application without being influenced by the observations made by us in this order

The application for anticipatory bail of the petitioner is allowed and CRM 1199 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)**