

21.12.2021
SL No.19
Court No.1
AJ/SM

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 1210 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Mathabanga Police Station Case No.333 of 2021 dated 24.06.2021 under Sections 417/376/506/109 of the Indian Penal Code.

And

In the matter of : **Biplab Barman.**

... .petitioner.

Mr. Hillol Saha Poddar.

... For the Petitioner.

Mr. A. Sarkar,

Mr. Aniruddha Biswas.

... For the State.

The learned Counsel for the petitioner submits that the petitioner is innocent and was in love relationship with the victim. It is further submitted that the petitioner is still unmarried and willing to marry the victim girl.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that the statement of the victim recorded under Section 164 of the Code of Criminal Procedure directly implicates the petitioner.

Having considered the materials available in the case diary and bearing in mind the nature and extent of the complicity of the petitioner in the commission of the alleged offence and also taking into consideration the submission made on behalf of the petitioner

that the petitioner is still unmarried and is willing to marry the victim girl, we feel that custodial interrogation of the petitioner is not required.

As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, **Biplab Barman** 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 to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on a further condition that the petitioner shall meet the Investigating Officer once in a week until further orders. The petitioner shall not enter the jurisdiction of the Mathabanga Police Station except for the purpose of meeting the Investigating Officer and attending the Court proceeding as and when required until further orders. The petitioner shall also submit the details of his address where he is presently residing to the concerned Investigating Officer.

The application for anticipatory bail, being CRM No.1210 of 2021 is, thus, 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.)