

21.12.2021
SL No.23
Court No.1
(gc)

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

**CRM 1226 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 Falakata Police Station Case No.615 of 2021 dated 22.11.2021 under Sections 448/376/511 of the Indian Penal Code.

And

In the matter of : **Pradip Barman**

- Petitioner.

Mr. Arnab Saha

... For the Petitioner.

Mr. Abhijit Sarkar,

Mr. Tapan Bhattacharjee,

... For the State.

The learned Counsel for the petitioner submits that the petitioner has a love relationship with the de-facto complainant and is innocent and he has been falsely implicated in the instant case.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that the statement of the victim under Section 164 of the Cr.P.C. directly implicates the petitioner.

Having considered the materials available in the case diary and the nature and involvement of the petitioner in the commission of alleged offence and also taking into consideration the statement of the victim recorded under Section 164 of the

Cr.P.C., we are of the opinion that custodial interrogation of the petitioner is not required. Hence, we are inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Pradip Barman**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and with a further condition that the petitioner shall meet the I.O. once in a week until further orders.

The application for anticipatory bail, being CRM No.1226 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.)