

06.01.2022
Item no.14.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

(Via Video Conference)

CRM (A) No. 6 of 2022

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 3.10.2021 under Sections 376/417/420/406/506/34 of the Indian Penal Code

And

In the matter of: Diptangshu Banik

.....Petitioner.

Mr. Sayan De,
Ms. Esha Acharyya for the Petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Sourav Gangully for the State.

The petitioner, about 29 years of age, says that the victim lady, about 37 years old, represented to him that she was a single mother with an adopted child. An amorous relationship developed between the petitioner and the victim lady. They decided to tie the marital knot. All arrangements were made. At this point of time, the petitioner came to know that the victim is a married lady. He made enquiry and contacted the victim's husband and he came to know that the victim was married to her husband under Christian Law and they have a 6 year old child. Upon learning these facts, the petitioner refused to marry the victim. Hence, this false complaint has been filed.

We have seen the material in the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. She has stated that indeed she is a married lady.

The state vehemently opposes the prayer for anticipatory bail.

On an overall assessment of the facts and circumstances of the case 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, namely Diptangshu 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 shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that he shall report to the Investigating Officer once in a fortnight until completion of investigation.

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 C.R.M.(A) No. 6 of 2022 is, thus, allowed.

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

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)