

06.01.2022
Item no.16.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

(Via Video Conference)

CRM (A) No. 8 of 2022

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Maynaguri Police Station Case No.494 of 2021 Dated 4.10.2021 under Sections 448/376/207/506 of the Indian Penal Code

And

In the matter of: Ratan Roy

.....Petitioner.

Mr. Sanjay Mazumdar,
Ms. Sukanya Adhikarifor the Petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Sagnik Sankar Sikdarfor the State.

The petitioner says that he has been framed. He had an extra marital affair with the defacto complainant who is a lady with a child. They started living together. The petitioner's father lodged a complaint against the defacto complainant. As a counterblast, the present complaint has been filed against the petitioner.

The State strenuously opposes the prayer for anticipatory bail.

Our attention has been drawn to the material in the case diary. We have seen the statements of the defacto complainant recorded under Sections 161 and 164 of the Code of Criminal Procedure. We have also seen the Medical Report. There are no signs of injury.

On an overall assessment of the facts and circumstances of the case and the nature of allegations, we are of the view that immediate custodial interrogation of the petitioner is not necessary so long as he co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely Ratan 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 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. 8 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.)

