

19.
10-01-2022
(ct. no.01)
debajyoti

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

(Via Video Conference)

CRM(A) 24 of 2022

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Kumargram Police Station Case No.133 of 2021 dated 17-07-2021 under Sections 498A/325/511/376/34 of the Indian Penal Code and read with Sections 3/4 of the Dowry Prohibition Act.

- A n d -

In the matter of : Gobinda Das

.... Petitioner.

Mr. Sudip Guha

... For the Petitioner.

Mr. Kallol Acharjee,
Ms. Namrata Das

... For the State.

The petitioner is the father-in-law of the victim lady. The allegation is that when there was nobody else in the house, the petitioner went into the room of the victim and attempted to rape her.

The petitioner says that the allegation is completely false. The alleged incident never took place.

The State vehemently opposes the prayer for anticipatory bail of the petitioner.

We have seen the statement of the victim lady recorded under Section 161 of the Code of Criminal Procedure. She categorically states that although her father-in-law, i.e., the petitioner, went to her room, he did not rape her or do anything wrong. The petitioner only shouted at her. This is totally at variance with what was stated in the FIR. Charge Sheet has been submitted. There is no medical report.

On an overall assessment of the facts and circumstances of the case and the nature of the allegations as also the possible extent of complicity of the petitioner in the alleged offence, we are of the view that immediate custodial interrogation of the petitioner may not be necessary, so long as he cooperates with further investigation, if any.

Accordingly, in the event of arrest, the petitioner, namely, **Gobinda Das**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and on further condition that the petitioner shall meet the Officer-in-Charge of the concerned police station once in every fortnight until further orders. The petitioner shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference of this Court.

The application for anticipatory bail being CRM(A) 24 of 2022 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)