

33.
14-01-2022
(ct. no.01)
debajyoti
(allowed)

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

(Via Video Conference)

CRM(A) 44 of 2022

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Matigara Police Station Case No.1190 of 2021 dated 16-10-2021 under Sections 417/376 of the Indian Penal Code.

- A n d -

In the matter of : Ran Vijay Azad @ Ranvijay Azad

.... Petitioner.

Mr. Arnab Saha

... For the Petitioner.

Mr. Arun Kumar Sarkar,
Mr. Tapan Bhattacharjee

... For the State.

Mr. Deborshi Dhar

... For the defacto complainant.

The petitioner, aged about 28 years, came to know the defacto complainant/victim lady, aged about 27 years through Facebook. A relationship developed between them. They planned to get married. They lived together for quite some time. The petitioner's parents were opposed to the proposed marriage since the victim lady belonged to a different religion. The petitioner finally told the victim lady that the marriage could not take place because of opposition in the petitioner's family. This prompted filing of the present complaint. This in a nutshell is the petitioner's case.

The State and the defacto complainant oppose the prayer for anticipatory bail and draw our attention to the material in the Case Diary including the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure.

We have also seen a series of correspondence, exchanged between the petitioner and the victim lady, copies whereof have been annexed to the petition for anticipatory bail. The medical report reveals nothing.

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

Accordingly, in the event of arrest, the petitioner, namely, **Ran Vijay Azad @ Ranvijay Azad**, 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 Investigating Officer once in every fortnight until completion of investigation. 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) 44 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.)