

13.01.2022
Item no.13.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

(Via Video Conference)

CRM (A) No. 50 of 2022

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Dhupguri Police Station Case No.38 of 2021 Dated 25.01.2021 under Sections 498A/376/509/506/34 of the Indian Penal Code.

And

In the matter of: Babun Sarkar @ Baban Sarkar.

.....Petitioner.

Mr. Sudhindra Dasfor the Petitioner.

Mr. Abhijit Sarkar,
Mr. Sagnik Shankar Sarkarfor the State.

The petitioner is the brother-in-law of the victim/defacto complainant who is about 29 years old. The petitioner is a public servant and aged about 40 years.

The allegation is that the petitioner entered the room of the victim taking advantage of absence of other people in the house and raped her.

The petitioner says that he has been falsely implicated. He has no connection with the alleged offence. The husband has been released on bail by the leaned Trial Court after being apprehended the other accused persons being the other family members have been granted anticipatory bail. The petitioner stands on a better footing.

The State strenuously opposes the prayer for anticipatory bail.

We have considered the material on record as also the Medical Report which reveals nothing.

On an overall assessment of the facts and circumstances of the case, 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, **Babun Sarkar @ Baban Sarkar** 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 of the concerned police station once in a fortnight until further orders.

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. 50 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.)