

17.02.2022
Court No.32
JP Item No. 08
Avijit Mitra

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side
Through Video Conference**

C.R.M. (DB) No. 101 of 2022

In Re:- An application for anticipatory bail under section 438 of the
Code of Criminal Procedure ;
And

In Re : Malay Barman

Mr. Ranadeb Sengupta

Petitioner

For the Petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Tapan Bhattacharjee

For the State

Apprehending arrest in connection with Haldibari Police
Station Case No.280 of 2021 dated 19.11.2021 under Sections
417/376/506/109 of the Indian Penal Code, the present
application has been preferred.

Mr. Sengupta, learned advocate appearing for the petitioner
submits that there was a consensual relationship between the
petitioner and the victim for a period of about 3 years. Both of them
are adults and as such, both were aware of the consequences of such
consensual relationship. The complaint had been lodged about 3
months after there was a meeting of the parties with the local
panchayat. Such delay has not been explained. In the said
conspectus, custodial interrogation may not be necessary and the
petitioner may be granted anticipatory bail on any condition.

Mr. Bhattacharjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the contents of the complaint, the statement of the victim girl as recorded under Section 164 of the Code and other documents in the case diary.

Heard the learned advocates appearing for the respective parties and considered the materials in the case diary.

Prima facie, there are strong incriminating materials against the petitioner. Considering the seriousness of the offence and the possible extent of complicity of the petitioner in the alleged offence, we are not inclined to exercise any discretion in his favour more so when investigation is not yet complete. The petitioner's prayer is thus refused.

The application for bail, being CRM (A) No.101 of 2022, is dismissed.

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

(Sugato Majumdar, J)

(Tapabrata Chakraborty, J)