

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

10.05.2022
Court No.01
rpan/ 07

CRM (A) 230 of 2022

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

And

In Re: Goutam Lohar

- Petitioner

Mr. Hillol Saha Podder
...for the Petitioner

Mr. Kallol Acharjee,
Ms. Namrata Das
...for the State

Apprehending arrest in connection with Matigara Police Station Case No.143 of 2022 dated 28.01.2022 under Sections 417/376 of the Indian Penal Code, the present application has been preferred.

Mr. Saha Podder, learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The *de facto* complainant is a married lady and she had no good relationship with her husband. In the said conspectus, custodial interrogation of the petitioner may not be necessary and he may be granted anticipatory bail on any stringent condition.

Mr. Acharjee, learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the witnesses as recorded under Sections 161 and 164 of the Code.

Heard the learned advocates appearing for the respective parties, perused the statements of the witnesses and considered the

other materials in the case diary. The victim is a married lady. Considering the nature of allegations and the possible extent of complicity of the petitioner in the alleged offence, we are of the opinion that his custodial interrogation is not necessary, however, his movement needs to be restricted.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Goutam Lohar** 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that he shall not enter the jurisdiction of Matigara Police Station until further orders, save and except for meeting with the Investigating Officer of the case once a week till the investigation is complete. He shall also intimate the address where he shall be residing to the Investigating Officer of the case immediately.

It is further directed that the petitioner shall appear before the learned Court below on all the dates specified for hearing and shall not intimidate the witnesses and/or tamper with the evidence in any manner whatsoever.

In the event the petitioner fails to comply with any of the aforesaid directions, without justifiable cause, the learned trial court shall be at liberty to cancel the petitioner's bail, without any further reference to this Court.

The application for anticipatory bail, being CRM (A) 230 of 2022, is disposed of.

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

(Ajoy Kumar Mukherjee, J.) (Tapabrata Chakraborty, J.)