

14.01.2022
Item no.29.
Court No.1.
AB
(Allowed)

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI
(Via Video Conference)**

CRM No. 900 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Matigara Police Station Case No.1192 of 2020 Dated 22.11.2020 under Sections 493/376 of the Indian Penal Code

And

In the matter of: Aparnesh Mukhopadhyay @ Mukherjee

.....Petitioner.

Mr. Sourav Chatterjee,
Mr. Pawan Kumar Gupta,
Mr. Sougata Mitra,
Ms. Ankita Dey,
Ms. Sofia Nesarfor the Petitioner.

Mr. Ujjwal Luksom,
Ms. Namrata Dasfor the State.

Mr. Debajit Kundufor the Defacto complainant.

The petitioner says that he had a longstanding relationship with the victim girl. Both are majors.

We have seen the first information report filed by the victim girl. She described at length her relationship with the petitioner including consensual physical relationship.

The State as well as the defacto complainant strongly oppose the petitioner's prayer for anticipatory bail.

On an overall assessment of the material in the case diary and the victim girl's version as appears from the first information report, 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 **Aparnesh Mukhopadhyay @ Mukherjee** 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 once in a fortnight till completion of investigation.

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. No.900 of 2021 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.)

