

06.09.2022

Item No.28

Ct.No.01

F.B/gsd

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

C.R.M (A) 442/2022

In Re: An application for Anticipatory bail under Section 438 of Cr.P.C in connection with Sahebganj Police Station Case No. 376 of 2019 dated 24.07.2019 under Sections 365/372/34 of the Indian Penal Code corresponding to G.R. No. 450 of 2019.

In the matter of : **Swapan Barman**

... Petitioner.

Mr. Subhasish Misra

Mr. Swarup Das

... For the Petitioner.

Mr. Nilay Chakraborty

Mr. Sagnik Sankar Sikdar

... For the State.

Party/parties is/are represented in the order of their name/names as printed above in the cause-title.

According to the Learned Counsel for the petitioner, a false allegation of kidnapping and forceful abduction has been lodged against him. It is submitted that the alleged victim lady is married and left with the petitioner with her own accord for Delhi where both of them stayed sometime. Thereafter, on a call made by the alleged

victim's mother, the victim was brought back to her residence in West Bengal by her mother.

It is further submitted that no allegation of sexual assault, trafficking etc. have been made out against the present petitioner.

It is submitted that both the victim lady and the petitioner were in the consensual relationship which had turned sour.

Learned State Counsel produces the Case Diary.

According to the 164 Statement of the alleged victim lady, no incriminating facts connected to sexual assault, trafficking and kidnapping has been made out.

It also commences to the mind of this Court that out of the three accused persons, two have enlarged on regular bail and Charge-sheet has also been submitted.

This Court is also not oblivious of the fact that the complaint has been lodged after two months of the alleged incident.

Having regard to the above facts and circumstances, this Court is persuaded to hold that the custodial interrogation of the petitioner is not warranted.

Accordingly, the prayer for anticipatory bail of the petitioner is **allowed.**

Accordingly, In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.20,000/-(Rupees Twenty Thousand only) with a local surety of like amount each, to the satisfaction of the Learned ACJM, Dinhata subject to the conditions as laid down under Section 438(2) of the Code of Criminal

Procedure, 1973 and on further condition that the petitioner shall not intimidate the witnesses nor shall hamper or tamper with the evidence and shall attend the Court on each day's trial.

CRM(A) 442 of 2022 is **disposed of** accordingly.

All parties are to act on a server copy of this order from the official website of this court.

Urgent Photostat certified copy of this order, if applied for, be supplied to the parties, subject to compliance with all requisite formalities.

(Krishna Rao, J.)

(Subrata Talukdar, J.)