

04.01.2022
Item no.13.
Court No.1.
S. De
(Allowed)

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

CRM No. 1294 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Sahebganj Police Station Case No.466 of 2021 Dated 15.09.2021 under Sections 376/417 of the Indian Penal Code.

And

In the matter of: Sumit Biswas.

.....Petitioner.

Mr. Sudip Guha for the Petitioner.

Mr. Abhijit Sarkar
Ms. Namrata Das for the State.

The allegation against the petitioner is under Sections 376/417 of the Indian Penal Code.

The petitioner says that there was a love affair between him and the victim lady. The petitioner is about 20 years of age. The victim is a married lady and is about 28 years old with 3 children.

We have seen the written complaint filed by the victim lady. She says that there was friendly interaction between her and the petitioner for more than one year after she came to know the petitioner on Facebook. Apparently, meting out false promise to marry the victim lady, the petitioner had physical relationship with her.

On an overall assessment of the facts and circumstances of the case and the material on record, 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 Sumit Biswas 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 until 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.1294 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.)

