

AD-252
Ct No.01
Jalpaiguri
03.02.2023
TN

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 13 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **03.01.2023** in connection with **Dinhata Women** Police Station Case No. **107** of **2022** dated **14.11.2022** under Sections **448/376(2)(n)/417 IPC, 1860**, corresponding to **GR** Case No. **630 of 2022**.

And

In the matter of: **Dipak Kumar Mohanta**

.... petitioner

Mr. Subhasish Misra,
Mr. Swarup Das

... for the petitioner

Mr. Saikat Chatterjee,
Mr. Chattu Roy

... for the State

Learned counsel for the petitioner contends that there were threats on the part of the victim which compelled the petitioner to enter into a relationship with the victim.

Learned counsel for the State, while opposing the prayer for anticipatory bail, submits fairly that it appears from the materials on record that there was a prior relationship between the petitioner and the victim. Although the medical report indicates that there was occasion of rupture of the hymen, in the peculiar circumstances of the case as indicated above, we are inclined to grant anticipatory bail.

Accordingly, CRM (A) 13 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall satisfy the stipulations in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioner shall be released on bail upon furnishing bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Dinhata. The petitioner shall not leave the territorial jurisdiction of the concerned police station during the period of investigation and shall meet the Investigating Officer once a month during the entire period of investigation.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)