

28.02.2023

Sl. No.31
akd
[ALLOWED]

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C. R. M. (A) 138 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 07.02.2023 in connection with Tufanganj Station Case No. 04 of 2023 dated 03.01.2023 under Sections 448/376(2)(n)/506 of the Indian Penal Code. (G.R. Case No.03 of 2023)

And

In Re: ***Panchanan Barman @ Pancha Barman***

... .. Petitioner

Mr. Hillol Saha Podder
Ms. Mousumi Das

... .. for the petitioner

Mr. Abhijit Sarkar
Mr. Dhiman Sil

... .. for the State

It is submitted on behalf of the petitioner that there was an extra-marital affair between the parties. Subsequently, the husband of the victim came to know of such relationship and petitioner was falsely implicated.

Learned Advocate for the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Although the victim alleged she was forcibly raped, she remained quiet for three days. Allegation that the petitioner had threatened is also not corroborated by contemporaneous materials. Hence, allegation of forcible rape requires to be assessed in the light of the aforesaid submissions made on behalf of the petitioner. In view of the aforesaid facts, we are of the opinion custodial interrogation of the

accused/petitioner may not be necessary and he may be granted anticipatory bail however, subject to strict conditions.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Panchanan Barman @ Pancha Barman***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also 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, while on bail, shall not enter the jurisdiction of Tufanganj Police Station except for the purpose of attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders. He shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)