

03.05.2023
KC (13)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(A) 219 of 2023

In the Matter of : Dhruba Kanti Ghosh
.... petitioner.

Mr. Arnab Saha,
Mr. Sudhindra Das.....For the petitioner.

Mr. Sourav Ganguly,
Mr. Sagnik Sikdar.....For the State.

This is an application for grant of anticipatory bail filed under Section 438 of the Code of Criminal Procedure, 1973 in connection with Alipurduar Women Police Station Case No. 3 of 2023 dated 7th January, 2023 under Sections 448/376(2)(n)/417/506/509/34 of the Indian Penal Code corresponding to G.R. Case No. 50 of 2023, pending before the learned Additional Chief Judicial Magistrate, Alipurduar.

The allegation against the petitioner is of rape.

We have heard learned counsel for the parties and perused the records.

It is submitted by learned counsel for the State and also prima facie observed by us that the complaint is more based on the reaction of the complainant after breaking down of her relationship with the petitioner.

We do not find any record of physical injury to the victim. Two other co-accused have been granted bail by this court.

In those circumstances we do not think that custodial interrogation is necessary in this case.

In those circumstances, we allow this application for anticipatory bail on the following terms and conditions:

We direct that in the event of arrest the petitioner shall be released on bail on furnishing security of Rs. 10,000/- (Rupees Ten Thousand) with personal release bond of equivalent value to the satisfaction of the arresting officer.

The petitioner will also comply with the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

We impose further conditions that:

- (a) He shall immediately deposit his passport, if he has any, with the investigating officer.
- (b) He shall appear before the investigating officer for interrogation as and when summoned.
- (c) He shall not leave the limits of the district Jalpaiguri without informing the investigating officer.
- (d) He shall not tamper with evidence or interfere with the witnesses in any manner.

(e) The petitioner shall appear before the court below and pray for regular bail within a period of four weeks from date.

The application for anticipatory bail CRM(A) 219 of 2023 is disposed of.

(I.P. MUKERJI, J.)

(ANANYA BANDYOPADHYAY, J.)