

11.05.2023

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

C.R.M.(A) 231 of 2023

In the Matter of : **Rahini Roy @ Rohini Roy**

.... Petitioner.

Mr. Sudhindra Das

....for the petitioner.

Mr. Ujjwal Luksom

Ms. Namrata Das

.....For the State.

This is an application for grant of anticipatory bail filed under the provisions Section 438 of the Code of Criminal Procedure, 1973 (in short, Cr. P.C.) in connection with General Registration Case No.4472 of 2022 arising out of Phansidewa Police Station Case No.452 of 2022 dated 12.10.2022 under Sections 341/448/325/307/376/511/34 of the India Penal Code, 1860 (in short, IPC) now pending before the Court of the Ld. Chief Judicial Magistrate, Siliguri.

The petitioner is operating a grocery shop in the locality. The de facto complainant was a customer who allegedly took goods in credit. The credit amount gradually increased and become considerably high as a result whereof

the petitioner declined to give further goods on credit this led to the initiation of complaint by the de facto complainant, according to the petitioner.

After hearing the parties, considering the materials on record and the case diary we are convinced that custodial interrogation is not required for the progress of the investigation particularly in view of the fact that the complaint was made on 12th October, 2022 and more than 6 months have elapsed in between. Charge sheet has also been filed but charges are yet to be framed for the commencement of trial.

Considering the aforesaid facts and circumstances, we accordingly allow this application for anticipatory bail on the following terms:

We direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of like amount each 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) The petitioner shall immediately deposit his passports, if he possesses one, 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 Darjeeling without informing the investigating officer of the details of their whereabouts.
- (d) He shall not tamper with evidence or intimidate 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, being CRM(A) 231 of 2023 is disposed of.

(Ananya Bandyopadhyay, J.) (Arindam Mukherjee, J.)

