

08.06.2023
SL No.28
Court No.1
Sb/Saswata
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 278 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Pundibari Police Station Case No.24 of 2023, dated 11.01.2023 under Sections 363/365/406/420/109 of Indian Penal Code, 1860.

And

In the matter of : **Bapi Shil @ Bapi Sil & Ors.**

- Petitioners.

Mr. Kalipada Das

... For the Petitioners.

Mr. Kallol Acharjee

Ms. Sukanya Adhikary

... For the State.

1. Learned Counsel for the petitioners submits that the petitioners are innocent and the petitioner no. 1 had love affairs with the de facto complainant. It is submitted that due to difference of opinion, the petitioners have been falsely implicated in the instant case.
2. Learned Counsel for the State opposes the prayer for anticipatory bail. However, it is submitted that in the statement recorded under Section 164 of the Cr.P.C., the de facto complainant has admitted the relationship with the accused/petitioner no. 1 for almost three years.
3. Considering the materials available in the case diary, the statement of the de facto complainant recorded under Section 164 of the Cr.P.C. and the involvement of the petitioners in commission of the alleged offence, which appears to be general

and omnibus in nature, we are of the view that custodial interrogation of the petitioners is not necessary and accordingly we **allow** the prayer for anticipatory bail of the petitioners on the following conditions:

- i. In the event of arrest, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, 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.
 - ii. The petitioners shall meet the Investigating Officer once in a week till the filing of the charge sheet.
 - iii. The petitioners shall cooperate with the investigation.
 - iv. The petitioners shall appear before the court below and pray for regular bail within four weeks from date and shall not leave the jurisdiction of the jurisdictional Court without express leave of the Court.
4. The application for anticipatory bail is, thus, disposed of.
 5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)