

14.6.2023

Sl. No.49

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[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

CRM (A) 388 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Siliguri Women Police Station Case No. 22 of 2023 dated 03.03.2023 under Sections 376/313/417/120B of the Indian Penal Code.

And

In Re: ***Prakash Paul***

... .. Petitioner

Ms. Mousumi Das

... .. for the petitioner

Mr. Saikat Chatterjee

Mr. Chattu Roy

... .. for the State

Heard the learned Advocates appearing for both the parties.

Learned counsel appearing for the petitioner submits that the petitioner is the brother-in-law of the de-facto complainant and he has been falsely implicated.

Learned counsel appearing for the State in opposing the prayer for anticipatory bail has referred to the statement of the de-facto complainant recorded under Section 164 of the Code of Criminal Procedure and submits that the petitioner has been directly implicated.

Having considered the materials available in the case diary, the relationship between the parties and the complicity of the petitioner in the alleged offence, we are of the view that the custodial interrogation of the accused/petitioner may not be necessary and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, one of whom must be local, 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 shall meet the Investigating Officer once in a week till the charge-sheet is filed and co-operate with the investigation and on further condition that the petitioner shall not enter the jurisdiction of Matigara P.S except for the purpose of meeting the I.O and attending the court on the date to be fixed and shall surrender before the court below within four weeks from date and pray for regular bail.

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

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.)