

56. 03.07.2023
Court
No.1 Tanmoy Ghosh

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (A) 438 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, in connection with **Mathabhanga Police Station Case No. 95 of 2023** dated **19/02/2023** under Sections **417/376/325/307/354/379/34** of the Indian Penal Code, 1860.

And

In the matter of: - **Abhijit Kar**

...petitioner.

Mr. Hillol Saha Podder, Adv.,
Ms. Mousumi Das, Adv.

...for the petitioner.

Mr. Ujjwal Luksom, Adv.,
Mr. Chattu Roy, Adv.

...for the State.

The petitioner says that he has been falsely implicated in this case. He had a relationship with the victim lady being the *de facto* complainant. The physical relationship with the victim lady was consensual.

We have seen the material in the case diary including the statement of the victim lady recorded under Section 164 of the Code of Criminal Procedure, 1973.

On an overall assessment of the material on record, although charge-sheet is yet to be submitted, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he fully co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely, **Abhijit Kar**, shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, until further orders and on further condition that the petitioner shall report to the Investigating Officer of this case once in a week subject to submission in final form.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM (A) 438 of 2023 is thus allowed and disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)