

04.07.2023
Item no.31
Court No.1.
AB
(Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (A) No.445 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Falakata Police Station Case No.42 of 2023 Dated 7.2.2023 under Sections 341/324/325/328/376/511 of the Indian Penal Code read with Sections 4 /18 of the Sexual Offences Act 2012

And

In the matter of: Sri Biswajit Biswas @ DasPetitioner.

Mr. Kalipada Dasfor the Petitioner.

Mr. Nilay Chakraborty,
Mr. Subhasis Mishrafor the State.

Heard learned Advocate for the petitioner and learned Advocate for the State.

The case of the petitioner is that he has been falsely implicated in the instant case out of local rivalry.

While opposing the prayer for anticipatory bail, learned Advocate for the State draws attention of this Court to the statement of the victim as recorded under Section 164 Cr. P.C.

On perusal of the entire material as placed before us, we are convinced that this is not a fit case for custodial trial. Accordingly, we are inclined to allow the prayer of the petitioner.

Accordingly, in the event of arrest, the petitioner, namely Biswajit Biswas @ Das shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like

amount each, 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 until further orders and on further condition that the present accused petitioner shall meet the Investigating Officer as and when called for till 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 C.R.M. (A) No.445 of 2023 is, thus, allowed.

Urgent Photostat Certified copy of this order, if applied for, be supplied expeditiously after complying with all necessary legal formalities.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)