

41. 12.07.2023
Court
No.1 Tanmoy Ghosh

Allowed

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

CRM (A) 497 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, in connection with **Dinhata Women Police Station Case No. 48 of 2022** dated **02/06/2022** under Sections **363/376/109/506** of the Indian Penal Code, 1860.

And

In the matter of: - **Krishna Kanta Barman @ Krishna Barman**
...petitioner.

Mr. Sudip Guha, Adv.
...for the petitioner.

Mr. Nilay Chakraborty, Adv.,
Mr. Tapan Bhattacharjee, Adv.
...for the State.

The allegation is that when the *de facto* complainant/victim was visiting a jewelry shop, the petitioner and another co-accused person took her away on a motorcycle to some unknown place and raped her.

The petitioner says that this is a completely false implication. He has no connection with the alleged incident.

We have seen the material in the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, 1973. The medical report does not *prima facie* support the statement of the victim lady. She is twenty five years of age and is a married woman.

Considering the facts and circumstances of the case and the nature and gravity of the charge, and considering that investigation has progressed substantially, we are inclined to allow the prayer for anticipatory bail.

Accordingly, in the event of arrest, the petitioner, namely, **Krishna Kanta Barman @ Krishna Barman**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two registered sureties of Rs.5,000/- 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, 1973, 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 CRM (A) 497 of 2023 is thus disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)