

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

29.08.2023
Court No.01
rpan/ 28

CRM (A) 669 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re: Mayejuddin Pramanik @ Mayesh Prmanik

- Petitioner

Mr. Sudip Guha

...for the Petitioner.

Mr. Biswarup Roy

...for the State.

Apprehending arrest in connection with Sahebganj Police Station Case No.148 of 2023 dated 05.05.2023 under Sections 365/376/34 of the Indian Penal Code, the present application has been preferred.

Mr. Guha, learned advocate appearing for the petitioner submits that the *de facto* complainant is a married lady. In the complaint she has stated that she was kept confined in a room by the petitioner and others for a period of four months. Though the lady was missing for four months, no complaint was lodged by her family members. The petitioner has been falsely implicated and as such his custodial interrogation may not be necessary and he may be granted anticipatory bail on any stringent condition.

Mr. Roy, learned advocate appearing for the State, however, opposes the petitioner's prayer and draws our attention to the statement of the victim lady, as recorded under Section 164 of the Code, the medical report and the contents of the complaint. He further submits that there are strong incriminating materials on

record against the petitioner and as investigation is not yet complete, his prayer for anticipatory bail may be refused.

It appears that the *de facto* complainant is a married lady. A perusal of the statements made in the complaint and the statements as recorded under Section 164 of the Code, reveals inconsistencies. Considering the manner in which the offence has taken place and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation may not be necessary.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Mayejuddin Pramanik @ Mayesh Prmanik** 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that the petitioner shall meet with the Investigating Officer of the case once a week until further orders.

It is further directed that the petitioner shall not intimidate the witnesses and/or tamper with the evidence in any manner whatsoever.

The application for anticipatory bail, being CRM (A) 669 of 2023, is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)