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

CRM (A) 735 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 05.12.2022 in connection with Dinhata Women's Police Station Case No. 14 of 2022 dated 10.02.2022 under Sections 448/376/506 of the Indian Penal Code.

In the matter of : Biplab Modak

... Petitioner

Mr. Arjun Chowdhury,
Ms. Pratusha Dutta Chowdhury

...for the Petitioner

Mr. Kallol Acharjee,
Ms. Namrata Das

.....for the State.

Learned counsel appearing for the petitioner contends that the petitioner had a romantic affair with the alleged victim, who is the de facto complainant. Upon such relationship being discovered by the husband of the de facto complainant, the present First Information Report was lodged to shift the blame on the petitioner.

Learned counsel appearing for the State, on query of Court, submits that the First Information Report was registered on February 10, 2022 whereas the offence allegedly took place on February 09, 2022. Learned counsel

opposes the prayer for anticipatory bail and submits that investigation is still going on.

However, in view of there being a scope of suspicion with regard to the surrounding circumstances of the case, CRM (A) 735 of 2022 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the conditions as stipulated in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of learned Additional Chief Judicial Magistrate, Dinhata and on further condition that the petitioner shall not leave the territorial jurisdiction of the concerned police station and cooperate with the Investigating Officer and make himself available in the event so required to be present by the Investigating Officer.

CRM (A) 735 of 2022 is disposed of.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)