

15.12.2023

Sl. No.21

akd

[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

C. R. M. (A) 999 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 08.12.2023 in connection with Dhupguri Police Station Case No.541 of 2023 dated 03.11.2023 under Sections 376(2)(f)(n)/506 of the Indian Penal Code. (G.R. Case No.5693 of 2023)

And

In Re: ***Ramesh Chandra Roy @ Ramesh Roy***

... .. Petitioner

Mr. Jaydeep Kanta Bhowmik

Mr. Aminur Hossain

Mr. Sayantan Bhowmik

... .. for the petitioner

Mr. Arjun Chowdhury

... .. for the victim

Mr. Aditi Shankar Chakraborty .. Id. Addl. Public Prosecutor

Mr. Ujjwal Luksom

Mr. Subhasish Misra

... .. for the State

1. It is submitted on behalf of the petitioner that he is the brother-in-law of the victim lady. It is further submitted due to domestic strife petitioner has been falsely implicated. It is alleged that he had violated the victim in December, 2022 but the FIR came to be registered after one year. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits petitioner had threatened the victim. As a result, she kept quiet.
3. Mr. Arjun Chowdhury, learned Advocate empanelled with the High Court Legal Services Committee appears for the victim

lady. Secretary, High Court Legal Services Committee is directed to regularize his appointment.

4. Mr. Chowdhury also opposes the prayer for anticipatory bail and submits husband of the victim used to work in Maharashtra. Out of fear she could not lodge FIR.
5. We have considered the materials on record including the statement of the victim lady. She stated her husband used to work in Maharashtra. In December, 2022 petitioner had raped the victim for the first time. Thereafter, he raped her on a number of days. He had threatened to murder her. Though it appears victim had telephonic communications with her husband, it is strange why she withheld such fact from him till December, 2023 when she was raped for the last time. It is contended petitioner has been falsely implicated due to domestic strife. Allegation of forcible rape requires to be assessed in the light of the inordinate delay in lodging FIR and other attending circumstances at the appropriate stage of the proceeding. Under such circumstances, we are of the opinion custodial interrogation of the accused/petitioner may not be necessary and he may be granted anticipatory bail however, subject to strict conditions.
6. Accordingly, we direct that in the event of arrest, the accused/petitioner, namely **Ramesh Chandra Roy @ Ramesh Roy**, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the

petitioner, while on bail, shall not enter Dhupguri Police Station and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall meet the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders. He shall appear before the court below and pray for regular bail within four weeks from date.

7. The application for anticipatory bail is, thus, disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)