

25.04.2024
Court No.01
Item No. 17

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

Allowed

sg

CRM (A) 294 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Sahebganj Police Station Case No. 540 of 2023 dated 24.12.2023 under Sections 448/376/511/506 of the Indian Penal Code.

And

In Re: **Bishwanath Barman.**

Petitioner

Mr. Subhasish Misra

Mr. Satyajit Paul

For the Petitioner

Mr. Ujjwal Luksom

Ms. Sukanya Adhikary

For the State

1. It is submitted on behalf of the petitioner that the allegation made out in the FIR is out and out false and there occurred seven days in filing the written complaint. It is further submitted that the victim is a married lady.
2. The learned Counsel for the State opposes the prayer for anticipatory bail.
3. We have minutely gone through the written complaint as filed in this case as well as the statement of the victim as recorded under Section 164 of the Code of Criminal Procedure. We notice that there is/are excessive exaggeration(s) in the statement of the victim as recorded under section 164 Cr.P.C.
4. In view of such exaggeration, we are, prima facie, of the view that the present accused petitioner is successful in making out a case in obtaining favourable order.
5. Accordingly, we direct that in the event of arrest, the petitioner, **Bishwanath Barman**, shall be released on bail upon furnishing a bond of Rs.2,000/-, with

one registered sureties of like amount 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.

6. However, we direct the present accused petitioner to meet the Investigating Officer as and when called for.
7. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
8. CRM (A) 294 of 2024 is, thus, disposed of.
9. All parties shall act on the server copies of this order duly downloaded from the official website of this Court.

(Soumen Sen, J)

(Partha Sarathi Sen, J)