

01.05.2024
Court No.01
Item No. 50
Allowed

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

ar

CRM (A) 362 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Matigara Police Station Case No. 167 of 2024 dated 11.3.2024 corresponding to G.R. Case No. 838 of 2024 under Sections 417/376/506/328 of the Indian Penal Code,1860.

And

In Re: **Dr. Agnivo Bandyopadhyay**

Petitioner

Mr. Bikramaditya Ghosh
Mr. Swarup Das
Ms Supriya Singh

For the Petitioner

Mr. Sourav Ganguly
Mr. Sukanya Adhikary

For the State

Mr. Avijit Kundu
Mr. Sourav Lohani
Mr. Pritam Banik

For the Defacto Complainant

1. The report dated 28.4.2024 as submitted by the Investigating Officer through the learned counsel for the State is taken on record.
2. On perusal of the said report it reveals that the present accused petitioner met the I.O and cooperated with the investigation.
3. In course of hearing learned counsel for the petitioner submits before this Court that both the petitioner and the informant are medical practitioner and since they are adult there was consensual free mixing between them. Subsequently, such relationship turned into a bitterness for which this instant case has been initiated.

4. Learned counsel for the State has, however, opposed the prayer for anticipatory bail and draws our attention to the statement of the victim as recorded under Section 164 Cr.P.C. On perusal of such statement, we find that there was allegation of commission of repeated rape upon the victim by the present accused petitioner but from the materials, as collected by I.O, it appears that both the petitioner and informant are major and having their position in the society because of their profession.
5. From the report, as submitted before this Court, it does not transpire to this Court that custodial interrogation of the petitioner may not be necessary.
6. In view of such, we are inclined to grant anticipatory bail to the present accused petitioner.
7. Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall meet the Investigating Officer as and when called for till the submission of the final report.
8. It is further directed that the present accused petitioner shall not upload any photo and/or video in the social media of him and the informant and the accused petitioner shall surrender his Mobile Phone to the I.O for the purpose of investigation within two days from today.
9. It is further directed that the present accused petitioner shall not keep any contact with the informant either directly or through phone or social media till further order.

10. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
11. CRM (A) 362 of 2024 is, thus, disposed of.
12. 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)