

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

09.07.2024
Court No.1
(D/L 10)
(Allowed)

CRM (A) 487 OF 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 06.05.2024 in connection with Matigara Police Station Case No. 160 of 2024 dated 07.03.2024 under Sections 376/323/506 of the IPC.

And

In the matter of: **Uday Barman**

... Petitioner.

Mr. Subhasis Misra
Mr. Satyajit Paul

... for the petitioner.

Mr. Ujjwal Luksom
Mr. Saikat Chatterjee
Mr. Dhiman Sil

...for the State.

Learned counsel appearing for the petitioner submits that the victim is an adult, a married lady and has falsely implicated the petitioner.

Learned counsel appearing for the State vehemently opposes the application for anticipatory bail.

Perused the case diary. We find that the victim being an adult, has refused to undergo medical examination and as such, we are inclined to grant anticipatory bail to the petitioner.

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 sureties of like amount each 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 and on further condition that the petitioner shall appear before the investigating officer once in a week till the conclusion of the investigation and on further condition that the petitioner shall appear on every date of hearing before the jurisdictional Court until further orders and shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever. In default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

The application for anticipatory bail is, accordingly, allowed.

[MD. SHABBAR RASHIDI, J.]

(RAJARSHI BHARADWAJ, J.)