

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

11.07.2024
Court No.1
(D/L 17)

CRM (A) 501 OF 2024

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 03.07.2024 in connection with Matelli Police Station Case No. 67 of 2024 dated 16.04.2024 under Sections 448/323/354D/376/506 of the Indian Penal Code.

And

In the matter of: **Anchal Thapa**

... Petitioner.

Mr. Subrata Karmakar
Mr. Shantanu Bhowmick
Ms. Madhumita Sarkar
Ms. Rinka Chakraborty

... for the petitioner.

Mr. Aditi Shankar Chakraborty, Id. APP
Mr. Subhasish Misra

...for the State

No one appears on behalf of de-facto complainant/victim lady.

Petitioner prays anticipatory bail.

Learned counsel appearing for the petitioner submits that the petitioner has been falsely implicated in the present case. The de-facto complainant (victim lady) filed her written complaint on 16th April, 2024 with the Matlelli Police Station and in the written complaint it was specifically mentioned that the victim lady is having relationship with the accused but she remained silent as she was an adult and married lady.

Learned counsel appearing for the State opposes the prayer for anticipatory bail.

Perused the case diary more specifically the statements recorded under Section 164 of the Criminal Procedure Code given by the complainant where she has accepted the extra marital love affair with the petitioner.

Since both the parties are adult, they are expected to be aware of the consequences of their relationship.

We, therefore, grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner be granted bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the arresting officer and on further condition that the petitioner shall appear before the trial court on each and every date of hearing and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. In default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners 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.)