

JPD-04
Ct No.01
31.07.2024
AK

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Jurisdiction

CRM (A) 506 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Alipurduar Police Station Case No. 176 of 2024 dated 05.05.2024 under Section 376 IPC, 1860.

And

In the matter of: **Jayanta Roy @ Ray**

.... petitioner

Mr. Sourav Ganguly
Mr. Bibek Tarafder
Mr. G. Roy
Ms. Rishita Chakraborty

... for the petitioner

Mr. Aditi Shankar Chakraborty
Mr. Ujjwal Luksom
Mr. Sagnik Sankar Sikdar

... for the State

1. Affidavit-of-service filed in court today be kept on record.
2. Learned counsel for the petitioner argues that there was a consensual illicit relationship between the petitioner and the victim.
3. It is submitted that when the two were caught in a compromising position by the son of the victim lady, the said son beat up the petitioner severely for which the petitioner had to be hospitalized and is still under treatment.

4. It is submitted that in order to suppress the said relationship, the complaint was lodged.
5. The said allegation, it is submitted, is corroborated by the delay in lodging the complaint.
6. Whereas the incident took place allegedly on April 27, 2024, the complaint was lodged on May 5, 2024.
7. Learned counsel for the State opposes the prayer for anticipatory bail and hands over the statement of the victim lady under Section 164 of the Criminal Procedure Code.
8. Although the said statement apparently corroborates the complaint, in view of the circumstances, particularly in view of the fact that there is possibility of prior consensual relationship which is sought to be covered up, we are inclined to grant anticipatory bail to the petitioner, also keeping in view that he was himself beaten up and is under treatment.
9. Accordingly, CRM (A) 506 of 2024 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the stipulations in Section 438(2) of the Code of Criminal Procedure.
10. In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) with two sureties of like amount each, one of who must be local, to the satisfaction of the learned Chief Judicial Magistrate at Alipurduar.

- 11.** Moreover, the petitioner shall meet the Investigating Officer once every fortnight and shall make himself available as and when required in order to cooperate with the investigation.
- 12.** That apart, the petitioner shall attend trial on each and every date and shall not leave the territorial jurisdiction of the prospective trial court throughout the period of trial.
- 13.** Furthermore, the petitioner shall not try in any manner to contact the victim lady as well as her family at any point of time.

(Sabyasachi Bhattacharyya, J.)

(Prasenjit Biswas, J.)