

29.11.2024
Ct. No. 01
SL No. 35
Cp
(allowed)

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (A) No. 725 of 2024

In Re: - An application for anticipatory bail under section 438 of the Code of Criminal Procedure, 1973/Section 482 of the B.N.S.S. 2023, in connection with Sahebganj Police Station Case No.342 of 2024, dated 7th June, 2024, under Sections 363/365 of the Indian Penal Code, 1860.

And

In the matter of: **Bapi Modak**

....Petitioner.

Mr. Hillol Saha Podder
Ms. M. Das

...for the Petitioner.

Mr. Abhijit Sarkar
Mr. Sanjiv Das

... for the State.

Affidavit of service is taken on record.

None appears for the de facto complainant.

Learned advocate for the petitioner prays for anticipatory bail on the ground that he has been falsely implicated by the de facto complainant. Following a love affair which developed between the petitioner and the de facto complaint, they got married in presence of witnesses and family members. Thereafter, the relationship got strained and a complaint was lodged after six months from the date of marriage.

The photographs of the marriage ceremony produced today are taken on record.

Learned advocate for the State produces the case diary and opposes such prayer for anticipatory bail.

We have considered the materials on record, including the medical report and the statement of the de facto complainant made under Section 164 of the Cr.P.C. corresponding to Section 183 of the B.N.S.S., 2023. We are of the view that custodial detention of the petitioner will not be necessary in this case.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Bapi Modak**, shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of equal 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, corresponding to Section 482(2) of the B.N.S.S. 2023. The petitioner shall meet the concerned investigating officer once a week and shall appear before the jurisdictional court on each date of hearing as may be fixed after conclusion of investigation. The petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever.

In case the petitioner fails to adhere to any of the conditions stated above, the learned jurisdictional court shall be entitled to cancel the bail without further reference to this court.

The application for anticipatory bail, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)