

05.11.2024  
Item no. 21.  
Court No.1.  
AB  
(Allowed)

**Calcutta High Court  
In the Circuit Bench at Jalpaiguri**

**CRM (A) 760 of 2024**

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973/Under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Matelli Police Station Case No.146 of 2024 Dated 30.07.2024 under Section 69 of the B.N.S. 2023

And

**In the matter of : Kartick Mahali @ Samir**

**.....Petitioner.**

Mr. Gopal Sah,  
Mr. Tanbir Alam                      .....for the Petitioner.

Mr. Kallol Acharjee  
Ms. Namrata Das                      .....for the State.

**Dictated by Arijit Banerjee, J.**

1. The petitioner says that he has been falsely implicated. There has been a longstanding amorous relationship between the petitioner and the victim girl. He will cooperate with the Investigating Authority fully. He prays for pre-arrest bail.
2. Learned State Advocate draws our attention to the material in the case diary. We have seen the statement of the victim girl recorded under Section 164 Cr.P.C. / 183 B.N.S.S. She admits of a relationship between her and the petitioner. The allegation is that the petitioner

had physical relationship with her by meting out false promise of marrying her.

3. We have seen the medical report. The same reveals nothing. The complaint was lodged about one and half years after the date of alleged incident. On an overall consideration of the facts and circumstances of the case and the material on record, we are of the view that immediate custodial detention of the petitioner may not be necessary so long as he cooperates fully with the Investigating Authority.
4. Accordingly, in the event of arrest, the petitioner, namely **Kartick Mahali @ Samir** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that he shall report to the Investigating Officer once in a fortnight till completion of investigation.
5. In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.
6. The application for anticipatory bail is allowed.

7. All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**(Biswaroop Chowdhury, J.)**

**(Arijit Banerjee, J.)**