

13.11.2024
Item no. 34.
Court No.1.
AB
(Allowed)

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

CRM (A) 828 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 Dinhata Police Station Case No.22 of 2023 Dated 17.01.2023 under Sections 363/365/506/34 of the Indian Penal Code

And

In the matter of : Prasenjit Barman Petitioner.

Mr. H. S. Poddar,
Ms. Mousumi Das for the Petitioner.

Mr. Kallol Acharjee
Mr. Sanjiv Das for the State.

Dictated by Arijit Banerjee, J.

1. The petitioner says that there is a love relationship between him and the victim girl. He is 23 years of age and the victim girl is 20 years of age. They ran away together. He has been falsely implicated under the pressure of the victim girl's family members. He prays for anticipatory bail.
2. Opposing the prayer, learned State Counsel draws our attention to the statement of the victim girl recorded under Section 164 Cr.P.C. The statement completely belies the prosecution case. The victim girl says that she

voluntarily ran away with the petitioner and she wants to marry the petitioner.

3. In view of the aforesaid and keeping in mind that charge sheet has already been filed upon completion of investigation, we are of the view that immediate custodial interrogation of the petitioner is not necessary.
4. Accordingly, in the event of arrest, the petitioner, namely **Prasenjit Barman** 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 Officer in charge of the concerned Police Station once in a fortnight and shall not leave the jurisdiction of the learned Trial Court until further orders.
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.)

