

**In the High Court At Calcutta
Jalpaiguri Circuit Bench
CRM (A) 857 of 2024**

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure/Section 482 of the BNSS in connection with **Tufanganj Police Station** Case No. **793 of 2024** dated **04.10.2024** under Sections **318(2)/64/115(2)/3(5)** of the BNSS, 2023.

- A n d -

In the matter of : Tapan Kumar Das

.... Petitioner.

Mr. Subhasish Misra,
Mr. Satyajit Paul,
Mr. Abhijit Chanda,

... For the Petitioner.

Mr. Nilay Chakraborty, Ld. APP,
Mr. S. Sankar Sikdar,

... For the State.

Order dictated by Arijit Banerjee, J.:

1. Service report filed by the State evidencing service on the defacto complainant be kept with the record.
2. The petitioner says that he has been falsely implicated. He is a married person. He came to know the victim lady through a social media. The lady is also a married person but going through a process of separation with her husband. Friendship developed between them. The victim lady started insisting that the petitioner marries her. Upon the petitioner refusing, the present false complaint has been lodged. The petitioner prays for anticipatory bail.
3. Learned State Advocate while opposing the prayer draws our attention to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. *Prima facie* the statement

does not inspire much credence. The lady refused medical examination.

4. On an overall assessment of the material on record and the nature of the allegations, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he cooperates fully with the Investigating Officer.

5. Accordingly, in the event of arrest, the petitioner, namely, **Tapan Kumar Das**, 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 the petitioner shall report to the Investigating Officer of the concerned Police Station once in a fortnight until further orders. The petitioner shall not leave the jurisdictional trial court.

6. 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.

7. CRM (A) 857 of 2024 is, thus, disposed of.

8. 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.)**