

02.12.2024
Ct. No. 01
SL No. 97
Cp
Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI

CRM (A) No. 894 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 Kumargram Police Station Case No.26 of 2023, dated 11.02.2023, under Sections 417/376/341/323/506 and 34 of the Indian Penal Code, 1860.

And

In the matter of: **Bhola Bhujel @ Kishor**

....Petitioner.

Mr. Arnab Saha

.....for the petitioner.

Ms. Suman Sehanabis

...for the de facto complainant.

Mr. Saurav Ganguly

Ms. Sukanya Adhikary

... for the State.

Learned advocate for the petitioner prays for anticipatory bail on the ground of changed circumstances. Earlier, such prayer was rejected. According to the petitioner, subsequently the victim and the petitioner got married.

Learned advocate for the de facto complainant has filed an affidavit annexing the certificate of marriage.

Learned advocate for the State opposes the prayer of the petitioner and submits that the alleged offence took place prior to marriage.

Upon considering the materials on record and in view of the changed circumstances, we are inclined to grant the prayer of the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner, 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 learned Chief Judicial Magistrate, Alipurduar 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 appear before the jurisdictional court on each date of hearing. 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.)