

04.12.2024
SI No.64
s.biswas
(Allowed)

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

CRM (A) 965 of 2024

In Re: An application for anticipatory bail under Section 482 of the BNSS corresponding to Section 438 of the Cr.P.C. in connection with **Bhaktinagar** Police Station Case No. **53/2024** dated **22.01.2024** under Section **448/354/354C/376(1)(2)/376D/385/509/34** of the IPC.

And

In Re: **Dipak Barman @ Dipak Roy**

... .. Petitioners

Mr. Subhasish Misra
Mr. Satyajit Paul
Ms. Keya Sarkar

... for the petitioner

Mr. Aditi Shankar Chakraborty, APP
Mr. Sourav Ganguly

... .. for the State

1. Petitioner prays for anticipatory bail on the ground of parity and also on the ground that the medical report does not support the prosecution case. It is alleged that some offences were videographed, but no such evidence has been brought on record.
2. Learned advocate for the State submits that the statement of the victim recorded under Section 164 of the Cr.P.C. connects the petitioner to the offence.
3. We have considered the medical report. We have also considered the fact that no videos have been recovered. Charge-sheet has been submitted. Under such circumstances, we are of the view that custodial

interrogation of the petitioner is not necessary and the benefit under Section 482 of the BNSS corresponding to Section 438 of the Cr.P.C. can be extended to the petitioner.

4. Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of equal amount, to the satisfaction of learned Chief Judicial Magistrate, Jalpaiguri and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 corresponding to Section 482(2) of BNSS and or further condition that the petitioner shall appear before the jurisdictional court on the dates fixed. The petitioner shall not enter into the jurisdiction of Bhaktinagar police station. He will furnish the address where he will be residing henceforth, to the Officer-in-Charge of the concerned police station.
5. The application for anticipatory bail is, thus, disposed of.

(Partha Sarathi Chatterjee, J.)

(Shampa Sarkar, J.)