

18.12.2024
(D/L 35)
Ct. No.1
(Allowed)
(BKN)

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI**

C.R.M.(A) 1023 of 2024

In Re:- An application for anticipatory bail under Section 482 of the B.N.S.S, 2023 in connection with Kuchlibari P. S. Case No. 159 of 2024 dated 22.10.2024 under Sections 81/318(4)/115(2)/3(5) of B.N.S, 2023, pending before the Court of Ld. Additional Chief Judicial Magistrate at Mekhliganj, Coochbehar.

In the matter of : Alok Chakraborty

... Petitioner

Mr. Biswarup Roy,
Mr. Liton Ali

... for the petitioner

Mr. Saikat Chatterjee,
Mr. Subhrasish Misra

... for the State

1. Heard learned counsel for the petitioner and the learned counsel for the State.
2. The complainant has alleged that the petitioner, with whom she has having a relationship for sometime has misappropriated some money of the complainant. There is also allegation of assault.
3. The learned counsel for the petitioner submits that the allegations are based on extraneous considerations. Admittedly the petitioner and the complainant were in a relationship for sometime. It is also submitted that there is no injury sustained by the informant.
4. The learned counsel for the State has opposed the prayer for bail.

5. We have also gone through the injury report and *prima facie* find that the allegations are not sustained by injury report. Considering the rival submissions, the nature of allegations and the background in which the same has been levelled, as also the clean antecedents of the petitioner we are inclined to grant the prayer for anticipatory bail.
6. Accordingly, it is directed 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 like amount each, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal procedure, 1973, with a further condition that the petitioner shall attend the learned Court below on all the dates fixed for hearing.
7. It is further directed that the petitioner shall not tamper with evidence and/or influence the witnesses in any manner whatsoever.
8. In the event, the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned Court below shall be at liberty to cancel his bail without any further reference to this Court.
9. Accordingly, the prayer for the anticipatory bail is allowed.

10. Within 15 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
11. The application being CRM(A) 1023 of 2024 is disposed of.
12. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)