

32. 02.04.2025
Court
No.1 (Tanmoy)

Allowed

CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE

CRM (A) 171 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 / Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Sitalkuchi Police Station Case No. 484/2024** dated **22/10/2024** under Sections **126(2)/115(2)/117(2)/118(2)/109/74/3(5)** of Bharatiya Nyaya Sanhita, 2023.

And

In the matter of: - **Gopal Majumder**

...petitioner.

Mr. Hillol Saha Podder
Ms. Mousumi Das

...for the petitioner.

Mr. Abhijit Sarkar
Mr. Dhiman Sil

...for the State.

1. The petitioner says that all other accused persons have been granted anticipatory bail. He has been falsely implicated. There is no material on record which could justify his custodial interrogation. He is fully prepared to co-operate with the Police Authorities. He prays for pre-arrest bail.
2. Learned State Advocate, while opposing the prayer for anticipatory bail, admits that all other accused persons have been extended the privilege of anticipatory bail. To my query as to whether or not this petitioner is similarly circumstanced as those persons, he fairly admits that this petitioner stands more

or less on the same footing as the other accused persons who have been granted anticipatory bail.

3. I see that the charge is of assault and outraging the modesty of a woman. The injury report does not reveal much. Charge-sheet has been filed upon completion of investigation.
4. In view of the aforesaid factual scenario and considering the nature and gravity of the charge, I am of the opinion that immediate custodial interrogation of the petitioner is not necessary so long as he co-operates with further investigation, if any.
5. Accordingly, in the event of arrest, the petitioner, namely, **Gopal Majumder**, 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, 1973 / Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, until further orders and on further condition that the petitioner shall appear before the learned Trial Court on each and every date of hearing and shall meet the Investigating Officer of the case, once every fortnight until further orders.
6. In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code / Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

7. The application for anticipatory bail being CRM (A) 171 of 2025 is thus allowed and disposed of.
8. Urgent Photostat certified copy of this order, if applied for, be made available to the parties upon compliance with all requisite formalities.

(Arijit Banerjee, J.)