

C.R.M. 14 of 2019

Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure, 1973.

**In re : 1.Surojit Sarkar
2. Ratan Sarkar..... Petitioners**

Mr. Sandip Dutta.....for the petitioner s

Mr. Nilay Chakraborty

Mr. Aniruddha Biswas.... ... for the State

The petitioners apprehend arrest in course of investigation of Dhupguri Police Station F.I.R. No. 381 of 2018 dated 09.11.2018 under sections 363/376 of the Indian Penal Code. As such, the petitioners have presented this application for a direction that in the event of such arrest, they may be released on bail.

We have heard learned advocates for the parties and perused the materials in the case diary, more particularly the statement of the victim recorded under section 164 of the Code of Criminal Procedure, 1973. Although it is true that the father of the victim did not inform the police immediately after the victim went missing, we are of the view that custodial interrogation of the petitioner no. 1 is necessary for taking the investigation to its logical conclusion. Hence the prayer for pre-arrest bail of the petitioner no. 1 (Surojit Sarkar) is rejected.

However, materials in the case diary insofar as the

petitioner no. 2 (Ratan Sarkar) is concerned are scanty to link him with the alleged offence. He happens to be a close relative of the petitioner no. 1 and allegedly, instrumental in assisting the petitioner no. 1 to forcefully take away the victim.

In that view of the matter, we are of the considered opinion that custodial interrogation of the petitioner no. 2 (Ratan Sarkar) is not necessary for effective and meaningful progress of investigation of the said F.I.R. and it is a fit and proper case for making direction, as prayed for.

Accordingly, it is directed that in the event of arrest, the petitioner no. 2 (Ratan Sarkar) shall be released on bail upon furnishing bond of Rs. 10,000/- (Rupees Ten Thousand) with two sureties of like amount to the satisfaction of the arresting officer and also subject to the conditions laid down in sub-section (2) of section 438 of the Code of Criminal Procedure, 1973.

C.R.M.14 of 2019 is, thus partly allowed.

(SHIVAKANT PRASAD, J.)

(DIPANKAR DATTA, J.)