

19.08.19
Sl. No.165
Ct. No.1
akd
[ALLOWED]

CALCUTTA HIGH COURT

In the Circuit Bench at Jalpaiguri

C. R. M. 620 of 2019

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 22.07.2019 in connection with Falakata Police Station Case No. 305 of 2019 dated 18.06.2019 under Sections 376(2)(o)/109 of the Indian Penal Code. (G.R. Case No.1071 of 2019)

And

In Re: **Nity Balo @ Nitya Kumar Balo**

... .. Petitioner

Mr. Kalipada Das .. Advocate

... .. for the petitioner

Mr. Aditi Shankar Chakraborty .. Ld. Addl. Public Prosecutor

Mr. Sagnik Sankar Sikdar .. Advocate

... .. for the State

Heard the learned advocate appearing for both the parties.

It is submitted on behalf of the petitioner that he is in no way connected with the alleged incident and that he has been falsely implicated in the instant case.

Learned advocate for the State opposes the prayer for anticipatory bail and submits that the victim had been sexually exploited by the principal accused and when she subsequently complained to the petitioner, the latter did not take any step.

Having considered the materials on record and keeping in mind the extent of complicity of the petitioner in the alleged crime and in view of the fact that he is not the principal accused, we are of the opinion that custodial interrogation of the accused/petitioner may not be

necessary in the facts of the present case and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Nity Balo @ Nitya Kumar Balo***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that he shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)