

13.01.2020

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Partly allowed

C.R.M. 380 of 2020

In Re.: An application under Section 438 of the Code of Criminal Procedure filed on 10.01.2020 in connection with Alipurduar Police Station Case No. 556 of 2019 dated 18.12.2019 under Sections 376/109 of the Indian Penal Code.

And

In Re : Rupa Roy & Ors. petitioners

Mr. Arijit Ghosh

... for the petitioners

Mr. N. P. Agarwala

Mr. Debabrata Dasgupta

... for the State

Having considered the materials on record prima facie disclosing involvement of petitioner no. 4 in ravishing the victim girl, we are of the opinion that this is not a fit case in granting anticipatory bail to him.

The application for anticipatory bail in so far as petitioner no. 4 concerned is, thus, rejected.

However, keeping in mind the extent of complicity of the petitioners no. 1 to 3 and 5, family members of the principal accused, in the alleged crime, we are inclined to grant anticipatory bail to them.

Accordingly, we direct that in the event of arrest the petitioners no. 1 to 3 and 5 shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 they shall appear before the court below and pray for regular bail within a period of four weeks from date.

Accordingly application for anticipatory bail is allowed so far as petitioners no. 1 to 3 and 5 are concerned.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)