

21.05.2021
SL No.11
Court No.28
(gc)

CRM 1185 of 2021
(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Hanskhali Police Station Case No.569/2019 dated 10.12.2019 under Sections 363/366 of the Indian Penal Code.

And

In the matter of : **Pratik Bala @ Pathik Bala**

- Petitioner

Mr. Prabir Majumder,
... For the Petitioner.

Mr. Saibal Bapuli, Ld. A.P.P.,
Mr. Sanjib Kr. Dan
... For the State.

The learned Counsel for the petitioner submits that the petitioner has been falsely implicated in this case and is in no way connected with the alleged offence.

The learned Counsel for the State has produced the case diary and the statement recorded under Section 164 of the Code of Criminal Procedure of the victim girl and submits that one Subrata with two other persons have abducted the victim.

Considering the materials made available on record and the nature and extent of complicity of the present petitioner and the commission of alleged offence and the fact that the name of the petitioner does not transpire in the statement recorded under Section 164 of the Code of Criminal Procedure inasmuch as that the victim had declined medical examination, we are of the opinion that the custodial interrogation of the petitioner is not necessary

and he may be granted anticipatory bail. Accordingly, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Pratik Bala @ Pathik Bala**, 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.

This order of anticipatory bail will remain in force for a period of eight weeks from date within which period, the petitioner shall surrender before the Jurisdictional Court and obtain regular bail. The Jurisdictional Court shall consider the said application for bail on the basis of the materials made available to the learned Trial Judge uninfluenced by any observation made by us in this order.

The application for anticipatory bail, being CRM No.1185 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Suvra Ghosh, J.)

(Soumen Sen, J.)