

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

21.09.2021

Court No.01
rpan / **30**

C.R.M. 229 of 2021

In Re:- An application for anticipatory bail under section 438
of the Code of Criminal Procedure;

And

In Re : **Bhalin Paul @ Tinku Paul**

- Petitioner.

Mr. Anirban Banerjee (through v.c.)
... for the petitioner.

Mr. Kallol Acharjee,
Mr. Tapan Bhattacharjee
... for the State.

Apprehending arrest in connection with Mal Police Station Case No.200 of 2016 dated 10.05.2016 under Sections 363/366A of the Indian Penal Code, 1860 [Charge-sheet submitted under Sections 363/366A/376/109 of the Indian Penal Code], the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that the petitioner has been falsely implicated. The principal accused Sadananda Rangdar has already been enlarged on bail. The father of Sadananda has also been granted anticipatory bail. The allegations levelled against the petitioner are absolutely unfounded. Upon completion of investigation, charge-sheet has also been submitted and as such, custodial interrogation of the petitioner is not necessary.

The learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statement of the victim lady, as recorded under Section 164 of the Code.

Having heard the learned advocates and considering the materials in the case diary, the nature of accusations, the statement of

the victim lady, as recorded under Section 164 of the Code and the extent of complicity of the petitioner in the alleged offence, we are of the opinion that custodial interrogation of the petitioner is not necessary.

Accordingly, we direct that in the event of arrest, the petitioner **Bhalin Paul @ Tinku Paul** 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.

The application for anticipatory bail, being CRM 229 of 2021 is, thus, allowed.

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

(Abhijit Gangopadhyay, J.) (Tapabrata Chakraborty, J.)