

08.07.2021

Court No.28
Item No.08
(Allowed)

akd
&
as

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT**

JALPAIGURI

(Via Video Conference)

CRM 701 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Sitalkuchi Police Station Case No. 50 of 2021, dated 22.03.2021 under Sections 363/365/376 of the Indian Penal Code (G.R. Case No. 231 of 2021);

And

In the matter of : **Mostafa Miya & Anr.**

...Petitioners

Mr. Hillol Saha Poddar.

...For the Petitioners

**Mr. Ujjwal Luksom,
Ms. Namrata Das.**

...For the State.

The Advocate on Record of the petitioners undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking the application is taken up for hearing.

Apprehending arrest in connection with Sitalkuchi Police Station Case No. 50 of 2021 under Sections 363/365/376 of the Indian Penal, the petitioners have filed the instant application for anticipatory bail.

Learned Advocate for the petitioners submits that the petitioners, being the father and friend of the principal accused, have been falsely implicated in this case with an allegation that they had actively helped the principal accused in taking away the victim girl for the purpose of committing offence, charged in this case. It is further submitted that the victim is a married woman having her extra marital relationship and she has already been recovered. The custodial interrogation, according to the learned Advocate for the petitioners, would be an unnecessary exercise in this case.

Learned Advocate for the State raises objection submitting that the petitioners actively helped in taking away victim and provided shelter to principal accused so that crime could be accomplished.

Having considered the submissions of both sides and bearing in mind the extent of role played by the present petitioners and further that the victim girl having recovered in the meantime, we are of the view that custodial interrogation of the petitioners is not necessary in this case.

The prayer for anticipatory bail of the petitioners is allowed.

Accordingly, in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two registered sureties of like amount each, to the satisfaction of the arresting officer of the concerned police station and on conditions as laid down under Section 438(2) of the Code of Criminal Procedure.

The application for anticipatory bail being CRM 701 of 2021 is thus **disposed of**.

(Harish Tandon, J.)

(Subhasis Dasgupta, J.)