

23.12.2021
SL No.33
Court No.1
AJ/SM

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 1258 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 Jaigaon Police Station Case No.226 of 2021 dated 02.10.2021 under Sections 363/365 of the Indian Penal Code, 1860.

And

In the matter of : **Bharati Ray.**

... .petitioner.

Mr. Sourav Ganguly,
Mr. Kunaljit Bhattacharjee,
Mr. Kallol Nag.

... For the Petitioner.

Mr. Niloy Chakraborty,
Mr. Biswarup Roy.

... For the State.

The learned Counsel for the petitioner submits that the petitioner is innocent and one of his sons falsely implicated has been granted bail by the trial Court.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that the victim girl has not yet been recovered and has referred to the statement of the de-facto complainant implicating amongst others the mother of the present petitioner.

Considering the materials available in the case diary and bearing in mind the nature and extent of involvement of the petitioner in the commission of the alleged offence and also having regard to the fact that one of the co-accused persons have been

granted bail whose name also featured in the statement given by the mother of the victim, we are of the view that custodial interrogation of the petitioner is not required.

As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, **Bharati Ray** shall be released on anticipatory 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 and on further condition that the petitioner shall co-operate with the Investigating Officer during investigation of the case.

This order shall valid for a period of six weeks from date within which the petitioner shall obtain regular bail from the trial Court.

The application for anticipatory bail, being CRM No.1258 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.

(Biswajit Basu, J.)

(Soumen Sen, J.)