

13.03.2023

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Ct. No. 29

CHC

Allowed

C.R.M.(A) 799 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Memari** Police Station Case No. **72 of 2023** dated **02.02.2023** under Sections **363/365** of the Indian Penal Code.

And

In the matter of: Sabitabrata Roy @ Tarak Roy & anr.

..... petitioners

Ms. Rita Patra,
Mr. MFA Begg,
Ms. Pusmita Das

....for the petitioners

Mr. Partha Pratim Das,
Mrs. Manasi Roy

....for the State

Leave is granted to the learned advocate appearing for the petitioners to correct the cause-title.

Victim appeared in Court on March 2, 2023.

Victim girl recorded her statement under Section 164 of the Criminal Procedure Code subsequent to such order where she claimed that she left the house voluntarily. In a statement recorded under Section 164 of the Criminal Procedure Code, she claims that she is 17+ years.

Considering the statement of the victim recorded under Section 164 of the Criminal Procedure Code, the materials in the case diary, the age of the victim and the fact that the petitioner no.1 before us is the father of the person with whom

the victim went and petitioner no.2 is the maternal uncle, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) 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 the petitioners shall report before the Investigating Officer once in a fortnight till the conclusion of investigation and on further condition that the petitioners shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

