

D/L 221
February 7, 2023
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 33 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 05.01.2023 in connection with Alipurduar Police Station Case No. 578 of 2022 dated 16.12.2022 under Sections 306 of the Indian Penal Code, 1860.

And

In the matter of: Ripan Sarkar Alias Guddu

.... petitioner

Mr. Ajoy Kumar Singhanian,
Mr. Anirban Banerje,
Ms. Madhurima Roy

... for the petitioner

Mr. Kallol Acharjee,
Mr. Saikat Chatterjee

... for the State

Learned counsel for the petitioner contends that the petitioner allegedly met the victim girl only once and had no role to play in the alleged offence.

Learned counsel for the State opposes the prayer for anticipatory bail of the petitioner.

From the statement under Section 164 of the Code of Criminal Procedure, it transpires *prima facie* that there was a prior acquaintance between the petitioner and the victim. That apart, considering that the petitioner is only 22 years of old and pre-trial incarceration would be detrimental to his future, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, CRM (A) 33 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall satisfy the stipulations in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioner 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 learned Additional Chief Judicial Magistrate, Alipurduar. The petitioner shall meet the Investigating Officer once in a week.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)