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***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

CRM (A) 57 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 10.01.2023 in connection with Alipurduar Women Police Station Case No. 83 of 2022 dated 05.11.2022 under Sections 341/376DA/506/120B/34 of the Indian Penal Code read with Section 6 of the POCSO Act.

In the matter of : Biplab Roy ... petitioners

Mr. Sourav Ganguly,
Ms. Esha Acharya

...for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy

.....for the State.

Heard learned counsel for the parties.

Learned counsel appearing for the petitioner contends that in the Test Identification (T.I.) Parade, the victim girl identified three alleged perpetrators. However, the petitioner was not one of them. That apart, the petitioner is sought to be implicated merely on the statement of the co-accused persons.

Learned counsel appearing for the State opposes the prayer for bail.

However, in view of the circumstances as indicated above, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, CRM (A) 57 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the conditions as stipulated 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.5,000/- (Rupees Five Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court (under NDPS Act), Alipurduar and on further condition that the petitioner shall not leave the territorial jurisdiction of the concerned police station during the entire period of investigation and shall meet the Investigating Officer once in a fortnight.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)