

06.6.2023

Sl. No.77

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[ALLOWED]

**IN THE HIGH COURT AT CALCUTTA**

**Circuit Bench at Jalpaiguri**

**C. R. M. (A) 249 of 2023**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mekhiliganj Police Station Case No. 333 of 2022 dated 06.10.2022 under Sections 363/365/34 of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re: ***Nilu Kirtaniya & Anr.***

... .. Petitioners

Mr. Anirban Banerjee

... .. for the petitioners

Mr. Tapan Bhattacharjee

Mr. Dhiman Sil

... .. for the State

Heard the learned Advocates appearing for both the parties.

Learned counsel for the petitioners submits that the petitioners are the father and uncle of Bisnu, who is presently in custody. It is submitted that they have been falsely implicated.

Learned counsel appearing for the prosecution opposes the prayer for bail and submits that the submission recorded under Section 161 Cr.P.C would show the nature of involvement of the petitioners.

Considering the materials available in the record, the involvement of the petitioners in the commission of the alleged offence and having regard to the fact that the principal accused is in custody and charge-sheet has already been filed, we are of the view that the custodial interrogation of the accused/petitioners may not be necessary and they may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Nilu Kirtaniya and Krishna Kirtaniya***, 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 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 appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this court.

**(Raja Basu Chowdhury, J.)**

**(Soumen Sen J.)**