

05.07.2023
Item no.80.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (A) No. 483 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Falakata Police Station Case No.196 of 2023 Dated 04.05.2023 under Sections 363/365 of the Indian Penal Code.

And

In the matter of: Mithun Das & Anr.

.....Petitioners.

Mr. Sourav Gangully,
Mr. Goal Roy,for the Petitioners.

Mr. Kallol Acharjee,
Mr. Sagnik Snakar Sikdar,
.....for the State.

The petitioners say that the brother of the petitioner no.1 has eloped with the daughter of a neighbour of the petitioners. That lady is the de facto complainant. The petitioners have no role to play in the incident. The petitioners have annexed photographs from Face Book Accounts of the victim and the brother of the petitioner no.1 which would prima facie show that they are living together. The victim girl is over 17 years of age. The brother of the petitioner no.1 has attained majority about two years ago.

The State strenuously opposes the prayer for anticipatory bail. It is stated that the victim girl is yet to be recovered. Investigation is going on.

We have seen the material in the case diary.

On an overall assessment of the nature and gravity of the offence and the possible extent of complicity of the petitioners herein, we are of the view that immediate custodial interrogation of the petitioners may not be necessary so long as they co-operate with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely, **Mithun Das** and **Nilima Das @ Nilima Majumder Das @ Nilima Majumder** shall be released on bail upon furnishing a bond of Rs.10,000/-each with two registered sureties of like amount each, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that the petitioner no. 1 shall report to the Investigating Officer of the concerned police station once in a week and/or as and when called for till submission of Final Form. It is further ordered that the accused petitioners shall not leave the territorial jurisdiction of the Falakata Police Station excepting for attending Court proceedings.

In case the petitioners fail to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M.(A) No. 483 of 2023 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)