

10.10.2023
PB, 53.

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

CRM (A) 875 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed in connection with Sitalkuchi P.S. Case No.18 of 2023 dated 26.01.2023 under Sections 363/365/109 of the Indian Penal Code.

And

In the matter of: Alepjul Mia @ Aliful Miah & Ors.

.... petitioners

Mr. Hillol Saha Poddar,
Ms. Mousumi Das.

.....for the petitioner.

Mr. Abhijit Sarkar,
Ms. Namrata Das.

.....for the State.

This is an application for anticipatory bail. Petitioner submits that the present petitioners have been falsely implicated in this case and petitioner is entitled to get pre-arrest bail.

Learned advocate for the State respondent vehemently opposes such prayer.

Perused the case diary and other materials on record. There is no specific allegation against the petitioner no.2 and 3. We are of the view that benefit of Section 438 of the Cr.P.C. can be extended to them and the pre-arrest bail of the petitioner no.1 is rejected.

In the event of arrest, the petitioners no.2 & 3 may be released on bail upon furnishing a bond of Rs.5,000/- (Rupees Five Thousand

only) each with two sureties of like amount to the satisfaction of the learned Special Judge, Mathabhanga under the POCSO Act. The petitioner shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973..

With this observation and direction, the application being CRM(A) 875 of 2023 is disposed of.

(Md. Nizamuddin, J.)

(Partha Sarathi Chatterjee, J.)