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

CRM (DB) 462 of 2022

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure filed on 22.12.2022 in connection with Mekhliganj Police Station Case No. 378 of 2022 dated 16.11.2022 under Sections 366A/370 of the Indian Penal Code read with Sections 3/5 of the Immoral Traffic Prevention Act, 1956.

In the matter of : Ashoke Roy @ Ashok Roy and others
... petitioners

Mr. Sudip Guha
...for the petitioners

Mr. Kallol Ccharjee,
Mr. Arjun Chowdhury
.....for the State.

Heard learned counsel for the parties.

Learned counsel for State opposes the prayer for bail.

From the materials on record, we are not very convinced about the *prima facie* innocence of the petitioner nos. 2 and 3, who are apparently connected with the offence.

However, insofar as petitioner no. 1 is concerned, since his residential house itself is situated in a red light area and there is no direct proof that the petitioner no. 1 was connected with the offence in any manner and/or had knowledge of the offence, we are inclined to grant bail only to

the petitioner no. 1 and refuse bail to the petitioner nos. 2 and 3.

Accordingly, CRM (DB) 462 of 2022 is allowed, thereby granting bail to the petitioner no. 1 on condition that the petitioner no. 1 shall furnish 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 Additional Chief Judicial Magistrate, Mekhliganj. The petitioner shall not leave the territorial jurisdiction of the concerned police station during the entire period of investigation and shall cooperate with the investigation at every stage. Moreover, the petitioner shall not, directly or indirectly, make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade such person from disclosing such facts to the court or to any police officer or tamper with evidence in any manner whatsoever.

The prayer for bail of the petitioner nos. 2 and 3 is hereby refused at this juncture.

CRM (DB) 462 of 2022 is, accordingly, disposed of.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)