

D/L 225
February 1, 2023
MNS

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

CRM (A) 786 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 23.12.2022 in connection with Sahebganj Police Station Case No. 285 of 2019 dated 30.05.2019 under Sections 363/365 of the Indian Penal Code, 1860

And

In the matter of: Ashraful Sekh

.... petitioners

Mr. Hillol Saha Podder

... for the petitioners

Mr. Ujjwal Luksom,
Mr. Kallol Nag

... for the State

Upon hearing learned counsel for the parties, we are of the opinion that there is sufficient scope of extending the benefit of doubt to the petitioner to the effect that the petitioner, who is also of tender years, although technically an adult, might have credibly been in a romantic relation with the victim girl. That apart, since the charge-sheet has already been filed, we do not find any reason to have the petitioner incarcerated at this stage.

Although learned counsel for the State opposes the prayer for anticipatory bail, we are of the opinion that the anticipatory bail ought to be granted to the petitioner.

Accordingly, CRM (A) 786 of 2022 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall

satisfy the stipulations 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/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Dinhata. The petitioner shall not leave the territorial jurisdiction of the local police station during the entire period of investigation and shall cooperate in the investigation at all stages.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)