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Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (A) No. 935 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Maynaguri Police Station Case No. 257 of 2023 dated 03.07.2023 under Sections 305/511/34 of the Indian Penal Code.

And
In Re : Chitta Roy & Ors. petitioners

Mr. Prabir Kumar Mitra
Mr. Pinak Mitra
Mr. Deborshi Dhar
..... for the petitioners

Mr. Aditi Shankar Chakraborty, learned APP
Mr. Arjun Chowdhury
..... for the State

Mr. Aniruddha Biswas
..... for the victim

1. Learned Counsel for the petitioners submits they are not the principal accused who is in custody. It is also contended they have been falsely implicated in the case. They pray for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail and submits petitioners are the relations of the principal accused who had sexually violated the minor. Thereafter, they also threatened her. As a result she tried to commit suicide.

3. Learned Counsel for the victim also opposes the prayer for anticipatory bail.

4. We have considered the materials on record. It is alleged that the principal accused who is a neighbor had sexually violated the victim. Petitioners are the relations of the principal accused. Allegation against them is that they subsequently threatened the victim. As a result she tried to commit suicide. Victim is yet to be examined in the principal case. Under such circumstances we are of the opinion though custodial interrogation of the petitioners for progress of investigation is not necessary their movement requires to be restricted in order to create a safe environment in which the victim may depose in the principal case.

5. Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that they shall appear before the court below and pray for regular bail within a period of four weeks from date and on further conditions that they shall not enter into Maynaguri Police Station until further orders and they shall provide the address where they are presently residing to the investigating agency as well as court

below and they shall meet the Officer-in-Charge of the concerned police station within whose jurisdiction they are presently residing once in a week until further orders.

6. The application for anticipatory bail is, thus, allowed.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)