

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

05.12.2023.
6/tkm

C.R.M. (A) 940 of 2023

In Re : An application for anticipatory bail under section 438 of the
Code of Criminal Procedure in connection with Dinhata P.S case no. 255
of 2023 dated 27.5.2023 under sections 363/365 of the IPC
And

Allowed

In Re : Manowar Haque @ Hossain & Ors. ... petitioners

Mr. Sudip Guho

...for the Petitioners.

Mr. Tapan Bhattacharjee

Mr. C Roy

...for the State

1. Petitioners contend earlier application for pre-arrest bail had been dismissed for non-prosecution. Victim girl has already been recovered. Principal accused has been enlarged on regular bail. They are the relations of the principal accused.

2. Learned lawyer for the State opposes the prayer for anticipatory bail.

3. We have considered the material on record. Earlier application for anticipatory bail had been dismissed for non-prosecution and not on merits. Hence, we are inclined to entertain the subsequent application for similar relief. We note petitioners are not the principal accused who is on regular bail.

4. Keeping in mind the aforesaid circumstances and the extent of complicity of the petitioners in the crime, we are inclined to grant anticipatory bail to the petitioners.

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 subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973.

6. Petitioners shall appear before the court below and pray for regular bail within four weeks from date.

7. The application being CRM (A) 940 of 2023 is disposed of.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)