

18.12.2024
(D/L 24)
Ct. No.1
(Allowed)
(BKN)

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

C.R.M.(A) 997 of 2024

In Re:- An application for anticipatory bail under Section 482 of the B.N.S.S, 2023 in connection with Dinhata P. S. Case No. 545 of 2024 dated 15.10.2024 under Sections 137(2)/140(3)/3(5) of the B.N.S, 2023.

In the matter of : Sanjit Sarkar @ Sanjib Sarkar & Ors.
... Petitioners

Mr. Subhasish Misra,
Mr. Satyajit Paul
... for the petitioners

Mr. Nilay Chakraborty, Ld. APP,
Mr. Sanjiv Das
... for the State

1. Heard learned Counsel for the petitioner and the learned APP.
2. The petitioners are members of the same family. It is alleged that the petitioner no. 1 has forcibly taken away the minor (victim girl).
3. The learned counsel for the petitioner submits that the victim girl was subsequently recovered and her statement has been recorded under Section 164, Cr.P.C.
4. The learned counsel for the State has assisted us with the case diary and the material collected during the course of investigation including the statement of the victim under Section 164, Cr.P.C.
5. From perusal of the statement it is obvious that she has not made any allegation whatsoever against any of the

petitioners, other than the fact that she was restrained in the house till such time her family members went to bring her back.

6. Having regard to the allegations, material collected during the course of investigation, including the victim's statement under Section 164 Cr.P.C. we find it a fit case for grant of anticipatory bail to the petitioners.
7. We also find that there is a denial to subject the victim to medical examination. The petitioner no. 1 would be released subject to an additional condition that he will not be seen around the house of the victim.
8. Accordingly, it is directed 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, one of whom must be local, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal procedure, 1973.
9. It is further directed that the petitioners shall not tamper with evidence and/or influence the witnesses in any manner whatsoever.
10. In the event, the petitioners fail to comply with the aforesaid directions without any justifiable cause, the learned Court below shall be at liberty to cancel their bail without any further reference to this Court.

11. Accordingly, the prayer for the anticipatory bail is allowed.
12. Within 15 days from today petitioners are directed to appear before the I.O. along with a server copy or certified copy of this order.
13. The application being CRM(A) 997 of 2024 is disposed of.
14. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Madhuresh Prasad, J.)

(Supratim Bhattacharya, J.)