

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

19.08.2019
tkm/ct 1
sl no. 176

C.R.M. 644 of 2019

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed on 26.7.2019 in connection with Kurseong P.S. Case no. 76 of 2019 dated 30.4.2019 under section 8 of the POCSO Act

and

Allowed

In Re : Gopal Chettri

..... petitioner

Mr. A. Bhandari

Mr. U. Lama

Mr. P. Rai

..... for the petitioner

Mr. A. S. Chakraborty

Mr. S. S. Sikdar

..... for the State

Heard the learned advocates appearing for the respective parties.

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case and the allegations are patently absurd and inherently improbable.

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

Having considered the materials in the case diary and bearing in mind the nature of allegations in the light of the aforesaid submission made on behalf of the petitioner, we are of the opinion though custodial interrogation of the petitioner is not necessary, movement of the petitioner requires to be restricted in order to instill confidence in the mind of the victim and other witnesses.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 10,000/- 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 and on further condition that the petitioner shall not enter the jurisdiction of Kurseong P.S while on bail until further orders except for attending the court proceeding and/or investigation and shall provide the address where he shall reside while on bail to the investigating officer as well as the court below and shall report to the officer in charge of the concerned P.S where he shall reside while on bail once in a week until further orders and that the petitioner shall appear before the court below and pray for regular bail within four weeks from date.

The application being CRM 644 of 2019 is disposed of.

(Manojit Mandal, J.)

(Joymalya Bagchi, J.)