

***Calcutta High Court
In the Circuit Bench at Jalpaiguri***

27.08.2019.
33.
as
(Allowed).

C.R.M. 698 of 2019

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 19.08.2019 in connection with N.J.P. P. S. Case No.491 of 2019 dated 23.06.2019 under Sections 341/323/354/509 of the Indian Penal Code and Section 8 of POCSO Act.

In the matter of : Joy Kumar Roy.

... Petitioner.

Mr. Arnab Saha,
Mr. D. Kundu.

...for the Petitioner.

Mr. Arun Kr. Sarkar,
Ms. Namrata Das.

.....for the State.

Heard the learned Advocates appearing for the parties.

It is submitted on behalf of the petitioner that there was a love affair between the parties and he has been falsely implicated in the instant case.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and keeping 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 but the 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 viz., Joy Kumar Roy 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 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 N. J. P. and Bhaktinagar Police Station until further orders except for the purposes of investigation and attending court proceeding and shall provide the address where he shall reside while on bail to the Investigating Officer as well as the court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction he shall reside once in a week until further orders and on further condition that the petitioner shall appear before the court below and pray for regular bail within a fortnight from date.

This application for anticipatory bail is, thus, disposed of.

(Manojit Mandal,J.)

(Joymalya Bagchi, J.)

