

23.09.2020

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CRM No. 7019 of 2020

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CRAN 1 of 2020

(Via video conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Kaliyaganj Police Station Case No. 170 of 2020 dated 01.06.2020 registered for investigation into offences punishable under Sections 341/354A/509/34 of the Indian Penal Code read with Section 12 of Protection of Children from Sexual Offences Act.

And

In the matter of : Bipul Debsharma

... Petitioner

Mr. Kaushik Choudhury

.. for the petitioner

Mr. Saswata Gopal Mukherjee, Id P.P.

Mr. Aniket Mitra

..for the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within one month of resumption of normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking. Accordingly the application being CRAN 1 of 2020 stands disposed of.

Learned counsel for the petitioner submits that the petitioner has been falsely implicated in the case.

Learned counsel for the State opposes the prayer for anticipatory bail. He submits that the petitioner with another accused have committed offence under Protection of Children from Sexual Offences Act. Learned counsel for the State has produced the statement of the victim under Section 164 of the Code of Criminal Procedure.

Considering the nature of the allegations and the gravity of the offence and having regard to the fact that charge-sheet has already been filed, we are inclined to allow the prayer for anticipatory bail of the petitioner.

Accordingly, in the event of arrest, the petitioner will be enlarged on bail upon furnishing security of Rs.10,000/- with two sureties each of like amount, one of whom must be local, to the satisfaction of the arresting officer subject to the condition that the petitioner shall meet the investigating officer of the case once a week. The petitioner shall not enter the jurisdiction of the Kaliyaganj Police Station until further orders except for the purpose of the meeting the investigating officer and/or attending the court proceedings and shall provide the address where the petitioner shall presently reside to the investigating officer as well as the court below and shall report to the

officer-in-charge of the concerned police station within whose jurisdiction the petitioner shall presently reside once in a week until further orders.

Since charge-sheet has already been submitted, the petitioner must attend the trial on every date fixed and any unexplained absence of the petitioner to attend the court will entitle the trial court to cancel the bail without reference to this Court.

The petitioner will also abide by the conditions laid down in Section 438(2) of the Code.

CRM 7019 of 2020 is disposed of.

(Soumen Sen, J.)

(Sau gata Bhattacharyya, J.)