

24.09.2021
Item no.39
Court No.32.
S.De
(allowed)

(Via Video Conference)

CRM No. 3002 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 25.03.2021 in connection with Hili Police Station Case No. 123 of 2017 dated 14.05.2017 under Sections 341/354 of the Indian Penal Code read with Section 12 of the Protection of Children from Sexual Offences Act.

And

In the matter of : Karambir Singh.

.....Petitioner.

Mr. Kaushik Chaudhury, Advocate,
Mr. Busra Khatun, Advocate,
.....for the Petitioner.

Mr. Rana Kukherjee, Ld. A.P.P.,
Mrs. Sukanya Bhattacharyya, Advocate,
Mr. Mirza Firoj Ahamed Begg, Advocate,
.....for the State.

The charge against the petitioner is of sexual harassment of a minor girl who was about eleven years old at the time of the incident.

The petitioner says that the case initially ended with an FRT being filed. Thereafter, Naraji Petition was filed. Finally, charge-sheet has been submitted.

We have seen the statement of the victim girl recorded under Section 161 as also Section 164 of the Code of Criminal

Procedure. Prima facie, the statement does not implicate the petitioner.

Considering the nature of the allegations and the material on record and the fact that charge-sheet has been submitted, we are of the view that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner namely **Karambir Singh** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

Keeping in view that the petitioner is a B.S.F. personnel and his job is transferable, he must keep the Inspector-in-Charge of the Hili Police Station, where he is now posted, informed about his current address whenever he is transferred.

In case the petitioner fails to adhere to any of the conditions mentioned above or in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 3002 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)