

20.04.2021

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AN/ Ct. No. 4

Circuit Bench of Calcutta High Court at Jalpaiguri

C.R.M. 265 of 2021

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Phansidewa Police Station Case No. 527/2020 dated 07.11.2020 under sections 8/12 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of : **Ananda Singha** **... Petitioner.**

Mr. Sayan De
Ms. Esha Acharya

... for the Petitioner.

Mr. Arun Kumar Sarkar
Mr. Tapan Bhattacharya

... for the State.

The present application under Section 438 of the Code of Criminal Procedure, 1973 filed at the instance of **Ananda Singha** is taken up for hearing and order.

It is submitted on behalf of the petitioner that the petitioner is a neighbour of the victim and has been falsely implicated due to previous rivalry between the families.

The State opposes the prayer for anticipatory bail and refers to the case diary.

Upon consideration of the materials available in the case diary, specially the statement of the victim under Section 164 of the Code of Criminal Procedure, we are inclined to hold that custodial

interrogation of the petitioner is not required for the purpose of investigation. The petitioner may be granted anticipatory bail.

Accordingly, we direct that in event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand) only with two sureties of like amount 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.

The application for anticipatory bail is, accordingly, **allowed**.

CRM 265 of 2021 is disposed of.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)