

01.09.2021
Item no.31
Court No.32.
S.De
(allowed)

In the High Court at Calcutta

Circuit Bench at Jalpaiguri

(Via Video Conference)

CRM No. 886 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 23.08.2021 in connection with Matelli Police Station Case No. 216 of 2015 dated 08.12.2015 under Sections 363/370(4) of the Indian Penal Code.

And

In the matter of : Lal Bahadur Chhetri & Anr.

.....Petitioners.

Mr. Debajit Kundu, Advocate,
Mr. D.C. Kabir, Advocate,

.....for the Petitioners.

Mr. Tapan Bhattacharjee, Advocate,

.....for the State.

The story runs thus. Two minor girls, aged about fifteen years and ten years, were travelling in a car with their mother from a city in West Bengal to Sikkim. The petitioner no.2 was the driver of the car. The petitioner no.1 organized the trip. This was in the year 2015. The car was intercepted allegedly by members of one NGO and they caused a case to be reported as regards illegal trafficking in minor children.

The petitioners were initially interrogated but they were allowed to go by the police. Charge-sheet has been filed in 2020. Now the petitioners apprehend that they will be arrested and, in fact, warrant of arrest has been issued.

We have seen the material in the case diary including the statements of the two minor girls aged about fifteen and ten years recorded under Section 164 of the Code of Criminal Procedure . They categorically state that they were going with their mother to settle down in Sikkim and start a new life. They recorded their annoyance and disappointment at being separated from their mother and being put in a Child Welfare Home.

On an overall assessment of the material on record and possible extent of complicity of the petitioners in the alleged offence and given the fact that charge-sheet has already been submitted, we are of the view that the petitioners may be granted anticipatory bail so long as they are prepared to co-operate with further investigation, if any.

Accordingly, in the event of arrest, the petitioners namely Lal Bahadur Chhetri and Lachuman Rai @ Lazman Rai shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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.

In case the petitioners fail to adhere to any of the conditions mentioned 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 886 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.)