

17.12.2021
SL No .3
Court No.1
(PJ/SK)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

**CRM 892 of 2021
(Via video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Boxhirhat P.S. Case No. 174 of 2021 dated 22.06.2021 under Section 8 of the Protection of Children from Sexual Offences Act, 2012, corresponding to POCSO Case No. 18 of 2021.

And

In the matter of : **Aanchar Ali @ Aamchar Ali**

- Petitioner.

Mr. Hillol Saha Podder

... For the Petitioner.

Mr. Nilay Chakraborty,
Mr. Sagnik Sankar Sikdar

... For the State.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and refers to the statement recorded under Section 164 of the Code of Criminal Procedure of the victim and the statement recorded under Section 161 of the Code of Criminal Procedure implicating the petitioner.

Having regard to the materials on record and bearing in mind the nature and complicity of the petitioner in the commission of the alleged offence and also considering the statement of the victim, we are of the opinion that the custodial interrogation of the

petitioner is not necessary. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, **Aanchar Ali @ Aamchar Ali**, 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 on condition that the petitioner shall not enter the jurisdiction of Boxhirhat Police Station, except for the purpose of meeting the investigating officer of the case once in a week and except for the purpose of attending the Court proceedings until further orders and on further condition that the present address of the petitioner shall be immediately communicated to the investigating officer of Boxhirhat Police Station as well as the Officer-in-Charge of the concerned Police Station where he will be presently residing in terms of the order. In default, the anticipatory bail granted by this Court shall be cancelled automatically without any further reference to this Court and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The application for anticipatory bail, being CRM No.892 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswajit Basu, J.)

(Soumen Sen, J.)

