

17.12.2021
SL No .4
Court No.1
(PJ/SK)

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

**CRM 943 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 Maynaguri P.S. Case No. 337 of 2021 dated 26.06.2021 under Section 376 (3) of the Indian Penal Code read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of : **Bishu Barman**

- Petitioner.

Mr. Anirban Banerjee,
Ms. Madhushri Dutta

... For the Petitioner.

Mr. Aditi Shankar Chakraborty, APP,
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.

Considering the materials available on record and bearing in mind the nature and complicity of the petitioner in the commission of the alleged offence and also having regard to medical report, we are inclined to grant the prayer for anticipatory

bail. As such, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, **Bishu Barman**, 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 Maynaguri Police Station, except for the purpose of meeting the investigating officer of the case once in a week and shall cooperate with the investigating officer 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 Maynaguri 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.943 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.)

