

22.12.2021
SL No.26
Court No.1
PJ/SK
(Allowed)

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

**CRM 1183 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 Sahebganj Police Station Case No. 616 of 2019 dated 17.12.2019 under Sections 363/365/109 of the Indian Penal Code, read with Section 4/17 of the Protection of Children from Sexual Offences Act.

And

In the matter of : **Sampat Barman**

- Petitioner.

Mr. Sudip Guha,
Mr. Satyaki Basu

... For the Petitioner.

Mr. Aditi Shankar Chakroborty, APP,
Mr. Sagnik Sankar Sikdar

... For the State.

The learned Counsel for the petitioner submits that the petitioner is innocent and was love relationship between the victim and the petitioner.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail.

Having considered the materials available in the Case Diary, the statement of the victim recorded under Section 164 CrPC and bearing in mind the nature of complicity of the petitioner in the commission of the alleged offence and also having regard to the fact that the charge-sheet has already been filed, we are of the

view that custodial interrogation of the petitioner is not required. Under such circumstances, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, **Sampat 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 cooperate with the investigation and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

This order shall remain valid for six weeks from this date within which time, the petitioner shall surrender and obtain regular bail from the Learned Judge, Special Court, P.O.C.S.O. Dinhata, Additional District and Sessions Judge, Dinhata. We make it clear that the Learned Judge while deciding the application for grant of regular bail shall take a decision independent of the observations made by us in this order.

The application for anticipatory bail, being CRM No.1183 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.)