

21.12.2021
Court No.01
Item No. 22

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

sg

**CRM 1219 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Mathabhanga Police Station Case No. 144 of 2021 dated 23.03.2021 under Sections 4/14 of the POCSO Act.

And

In Re: **Rahul Modak**

Petitioner

Mr. Arnab Saha

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 in the instant case. It is also submitted that the petitioner is a student of Class-XII and in the event the prayer for anticipatory bail of the petitioner is not granted, it affects his studies.

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

Having considered the materials available in the case diary and the nature and extent of complicity of the petitioner in the commission of alleged offence as transpired from the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and also having regard to the fact that the charge-sheet has already been filed and in view of the fact that the principal accused is a juvenile and has been granted bail by the Juvenile Justice Board, we are of the

view that custodial interrogation of the present petitioner is not necessary and the petitioner may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Rahul Modak**, 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 also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

This order shall remain valid for a period of eight weeks from this date, within which time the petitioner shall surrender and obtain regular bail from the learned Judge, Special Court under POCSO Act at Mathabhanga, Cooch Behar and the learned Court below shall decide the application without being influenced by the observations made by us in this order.

The application for anticipatory bail is allowed and CRM 1219 of 2021 is accordingly, 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)