

24.12.2021
SL No.5
Court No.1
(PJ/SK)
Allowed

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

**CRM 1225 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 Haldibari Police Station Case No. 192 of 2021 dated 20.08.2021 under Section 8 of the corresponding to POCSO Act Case No. 13 of 2021.

And

In the matter of : **Biswajit Sarkar**

- Petitioner.

Ms. Suman Sehanabis (Mandal),
Ms. Mousumi Das

... For the Petitioner.

Mr. Aditi Shankar Chakraborty, APP,
Mr. Sagnik Shankar Sikdar

... For the State.

The learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated by the mother of the victim. The learned counsel for the petitioner further submits that the petitioner has love relationship with the victim.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and refers to the statement of the victim recorded under Section 164 CrPC.

Considering the materials available in the Case Diary and the nature and extent of complicity of the petitioner in the commission

of the alleged offence, we are of the view that custodial interrogation of the petitioner is not necessary.

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

Accordingly, we direct that in the event of arrest the petitioner, **Biswajit Sarkar**, 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 Haldibari 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 Haldibari 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.

This order shall remain valid for six weeks from this date within which time, the petitioner shall surrender and obtain regular bail from the Court of the Learned Trial Judge. We make it clear that the Learned Judge while deciding the application for

grant of regular bail shall take a decision independent with the observations made by us in this order.

The application for anticipatory bail, being CRM No. 1225 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.)