

21.12.2021
SL No.25
Court No.1
(gc)

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

**CRM 1232 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 Falakata Police Station Case No.103 of 2020 dated 11.03.2020 under Sections 363/365/376(3)/109 of the Indian Penal Code read with Section 4 of the POCSO Act.

And

In the matter of : **Pradip Kumar Sah @ Sha @ Dipak Kumar Sah**
- Petitioner.

Mr. Arnab Saha

... For the Petitioner.

Mr. Abhijit Sarkar,

Mr. Aniruddha Biswas,

... 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 submitted that the principal accused, namely, Rakesh and another person, namely, Rabindra Nath Sarkar have been granted bail by the Special Judge, Alipurduar. It is further submitted that no overtact has been attributed to the petitioner.

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 involvement of the petitioner in the commission of alleged offence and also having regard to the fact that two accused persons are already on bail and the charge-sheet

has already been filed, we are of the opinion that custodial interrogation of the petitioner is not required. Hence, we are inclined to grant anticipatory bail to the petitioner. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Pradip Kumar Sah @ Sha @ Dipak Kumar Sah**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

And on a further condition that the petitioner shall appear before the trial court on every date of hearing until further orders and on further condition that the petitioner shall not enter the jurisdiction of Falakata Police Station except for meeting the Investigating Officer and/or attending the Court proceedings and shall disclose his present address to the Investigating Officer.

The application for anticipatory bail, being CRM No.1232 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.)