

29 06.01.2022
(AD
& Court No.29
Sub (Allowed)
rata)

**C.R.M. (A)17 of 2022
(Via Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Habra** P.S. Case No. **913 of 2021** dated **08/12/2021** under Sections **448/354B/506** of the Indian Penal Code, 1860 and under Sections **8/12** of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: Dhiman Paul

....petitioner.

Mr. Arnab Chatterjee

...for the petitioner.

Mr. Saswata Gopal Mukherji, Ld. PP
Ms. Faria Hossain

...for the State.

It is submitted on behalf of the petitioner that he had treated a family member of the victim and there was dispute over his remuneration. Hence, he has been falsely implicated in the instant case.

Learned Advocate for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim recorded under Section 161 of the Code of Criminal Procedure. Allegation of molestation requires to be assessed in the light of the aforesaid submission made on behalf of the petitioner at the appropriate stage of the proceeding. However, in the facts of the case, we are of the opinion though custodial interrogation of the petitioner is not required, movement of the petitioner is required to be restricted in order to instill the confidence in the mind of the victim.

Accordingly, we direct that in the event of arrest, the

petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner, while on bail, shall not enter the jurisdiction of Habra Police Station until further orders except for the purpose of investigation and/or for attending court proceedings and shall provide the address where he shall presently reside to the Investigating Agency as well as the court below and shall report to the Officer-in-charge of the concerned police station within whose jurisdiction he shall presently reside once in a week until further orders.

The petitioner shall appear before the Court below and pray for regular bail within four weeks from date.

The application for anticipatory bail being C.R.M. (A) 17 of 2022 is, thus, disposed of.

(Bibhas Ranjan De, J.)

(Joymalya Bagchi, J.)