

17.11.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5249 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kotwali** Police Station Case No. **932** of **2022** dated **08.09.2022** under Sections 363/366 of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act.

And

In Re : Chayan Biswas @ Channan Biswas

..... petitioner

Mr. Milon Mukherjee, Sr. Advocate.

Mr. Atis Kumar Biswas

Mr. Amit singh

Ms. Jyoti Agarwal

....for the petitioner

Md. Anwar Hossain

Mr. Arif Ekbal Molla

....for the State

Petitioner prays for anticipatory bail.

Learned senior advocate appearing for the petitioner submits that, the petitioner was falsely implicated. There was a previous police complaint, inter alia, under Section 363/366 of the Indian Penal Code, 1860 where the petitioner was enlarged on bail by the Jurisdictional Court. Over the self-same issue, the present police complaint was lodged, now adding Section 6 of the Protection of Children from Sexual Offences Act, 2012 (Act of 2012). He submits that, the police investigating the incident earlier filed a charge-sheet on July 4, 2022 without alluding to any violation of the provisions of the Act of 2012.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary.

The materials made available to the Court by way of annexures to the application for anticipatory bail, suggest that, there was a police complaint lodged on July 1, 2022 in respect of an incident of June 30, 2022. Such police complaint resulted in a charge-sheet dated July 4, 2022 without the provisions of the Act of 2012 being invoked therein. Thereafter, the present police complaint was lodged in respect of the same incident of June 30, 2022 invoking the provisions of section 6 of the Act of 2012.

The petitioner is on bail in the earlier police complaint.

In such circumstances, we deem it appropriate to grant anticipatory bail to the petitioner.

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 shall meet the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate

order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)