

14.
11-01-2022
(ct. no.01)
debajyoti
(allowed)

CIRCUIT BENCH OF CALCUTTA HIGH COURT AT JALPAIGURI

(Via Video Conference)

CRM(A) 34 of 2022

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Banarhat Police Station Case No.312 of 2021 dated 27-08-2021 under Section 376 of the Indian Penal Code read with Sections 4(2)/6 of the Protection of Children from Sexual Offences Act.

- A n d -

In the matter of : Dipak Roy

.... Petitioner.

Mr. Sudip Guha

... For the Petitioner.

Mr. Arun Kumar Sarkar,
Ms. Namrata Das

... For the State.

The petitioner says that this case has been fabricated against him. He has no role to play in the alleged offence.

The State vehemently opposes the prayer for anticipatory bail. The State says that Charge Sheet has not yet been filed and the investigation is going on.

We have seen the material in the Case Diary, including the statement of the victim girl, about 12 years old at the time of the alleged incident, as also the statements of other witnesses. The victim girl has not stated that the petitioner violated her. The statements of the other witnesses also are not very helpful for the prosecution.

On an overall assessment of the facts and circumstances of the case and the material on record, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he cooperates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner, namely, **Dipak Roy**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and on further condition that the petitioner shall meet the Investigating Officer once in a week until completion of investigation. The petitioner shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In the event the petitioner fails to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the learned Court below will be at liberty to cancel the anticipatory bail without further reference of this Court.

The application for anticipatory bail being CRM(A) 34 of 2022 is, thus, **allowed**.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Aniruddha Roy, J.)

(Arijit Banerjee, J.)