

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
CRIMINAL APPELLATE JURISDICTION**

12.09.2022
Sl. No. 11
k.b. /b.r.
Crt.1
rejected

CRM (A) No.380 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Jaldhaka Police Station Case No. 11/2022 dated 18.07.2022 under Section 8 of the Protection of Children from Sexual Offence Act.

And

In the matter of: **Phurba Bhutia**

....Petitioner.

Mr. Satarudriya Mukherjee
Mr. Debjit Kundu

...For the Petitioner.

Mr. Ujjwal Luksom
Ms. Namrata Das

.....For the State.

This is an application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Jaldhaka Police Station Case No. 11/2022 dated 18.07.2022 under Section 8 of the Protection of Children from Sexual Offence Act.

Learned Counsel for the petitioner submits that the petitioner has been falsely implicated in the case and the petitioner has no nexus with the said incident.

Learned Counsel for the petitioner submits that the case has been registered on 18th July, 2022 and the offence alleged against the

petitioner is non-bailable in nature and the petitioner is apprehending arrest at any point of time.

Learned Counsel for the petitioner submits that the petitioner will appear before the Investigating Officer and if the petitioner is arrested he will suffer very badly.

Learned Counsel for the State produces the Case Diary.

This Court has gone through the statement recorded under Section 164 of the Code of Criminal Procedure and find that serious allegation has been leveled against the petitioner which has been corroborated by the other witnesses and hence this Court is of the view that the case alleged against the petitioner is serious in nature and is not a fit case to grant anticipatory bail to the petitioner.

In view of the above, the prayer for anticipatory bail is rejected.

CRM (A) No. 380 of 2022 is dismissed.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Courts.

(Krishna Rao, J.)

(Subrata Talukdar, J.)