

D/L 233
February 6, 2023
MNS

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 15 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 03.01.2023 in connection with Sessions (POCSO) Case No. 105 of 2022 arising out of New Jalpaiguri Police Station Case No. 843 of 2022 dated 01.08.2022 for the alleged offence under Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: Bikash Mitra

.... petitioner

Mr. Jaydeep Kanta Bhowmik

... for the petitioner

Mr. A. S. Chakraborty,
Mr. S. S. Sikdar

... for the State

Mr. Sayantan Bhowmik

...for the defacto complainant.

Learned counsel for the petitioner submits that the complaint was a result of a property dispute between the parties. In fact, it will transpire that the said property dispute was subsequently resolved between the petitioner's wife and the de facto complainant.

As such, it is submitted that the petitioner ought to be granted anticipatory bail.

Learned counsel for the de facto complainant corroborates the version of the petitioner to the extent that there was a property feud between the de facto complainant and the petitioner's wife.

However, the same is resolved and the de facto complainant does not want to proceed further.

Learned counsel for the State opposes the prayer for bail.

Upon hearing learned counsel for the petitioner, the de facto complainant and the State, we are of the opinion that anticipatory bail should be granted to the petitioner in the circumstances as narrated above.

Accordingly, CRM (A) 15 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall satisfy the stipulations in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioner shall be released on bail upon furnishing bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court under POCSO Act, Jalpaiguri. The petitioner shall not leave the territorial jurisdiction of the concerned police station during the entire period of investigation and shall make himself available for meeting the Investigating Officer, as and when so required.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)