

15.06.2023
SL No.61
Court No.1
Saswata
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 418 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Falakata Police Station Case No. 220 of 2023, dated 18.05.2023 under Sections 448/323/325/506/34 of the Indian Penal Code, 1860 read with Section 12 of the POCSO Act, 2012.

And

In the matter of : **Pradip Gole & anr.**

- Petitioners.

Mr. Arnab Saha
Mr. Sudhindra Das

... For the Petitioners.

Mr. Saikat Chatterjee
Mr. Chattu Roy

... For the State.

1. Affidavit-of-service filed in Court today is retained with the record.
2. Learned Counsel appearing for the petitioners submits that the petitioners are innocent and there is a love affair between the petitioner no. 1 and the daughter of the opposite party no. 2.
3. Learned Counsel for the State submits that the daughter of the opposite party no. 2 has implicated the petitioners in commission of the offence.
4. Considering the materials available in the case diary, the nature of involvement of the petitioners in commission of the alleged offence as transpired from the statement of the daughter of the opposite party no. 2 and the nature of injury

sustained by the *de facto* complainant, we are of the view that custodial interrogation of the petitioners is not necessary.

5. Accordingly, we **allow** the prayer for anticipatory bail of the petitioners on the following conditions:

- i. In the event of arrest, the petitioners be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only) each, with two sureties of like amount each, one whom must be local to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.
- ii. The petitioners shall meet the Investigating Officer once a week till the charge sheet is filed.
- iii. The petitioners shall not enter the jurisdiction of Falakata Police Station except for the purpose of meeting the Investigating Officer, attending Court and casting vote in the Panchayat Election till filing of the charge sheet.
- iv. The petitioners shall cooperate with the investigation.
- v. The petitioners shall appear before the court below and pray for regular bail within four weeks from date and shall not leave the jurisdiction of the jurisdictional Court without express leave of the Court.

6. The application for anticipatory bail is, thus, disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Raja Basu Chowdhury, J.)

(Soumen Sen, J.)