

05.07.2023
Item no.11.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (A) No. 427 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Kekhliganj Police Station Case No.64 of 2023 Dated 06.03.2023 under Sections 305/506 of the Indian Penal Code read with Section 12/17 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: Koushik Roy.

.....Petitioner.

Ms. Madhushri Dutta,

.....for the Petitioner.

Mr. Ujjwal Luksom,

Ms. Sukanya Adhikary,

.....for the State.

Heard learned advocate for the petitioner and the learned advocate for the State at length.

It is contended that the allegation as made out in the FIR is absolutely fabricated.

While opposing the prayer for anticipatory bail, learned advocate for the State draws our attention to the statements of witnesses recorded under Sections 161 and 164 of the Code of Criminal Procedure.

We have perused the entire material in the case diary. Charge-sheet is stated to have been submitted. It appears that the allegation as made out in the FIR does not get much support

in the statement of the sister of the victim as recorded under Section 164 of the Code of Criminal Procedure. We are convinced that this is not a fit case for custodial trial. Accordingly, the prayer for anticipatory bail is allowed.

Accordingly, in the event of arrest, the petitioner, namely, **Koushik Roy** shall be released on bail upon furnishing a bond of Rs.10,000/- with two registered sureties of like amount each, to the satisfaction of the learned Judge, Special Court (under POSCO Act), Mekhliganj, Dist. Cooch Behar and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that within twenty one days from the date of obtaining a certified copy or a server copy of this order, whichever is earlier, the petitioner shall appear before the learned Trial Court, failing which it would be treated that this Court has passed no order of anticipatory bail. The petitioner shall meet the O.C./I.C. of Mekhliganj Police Station once in a fortnight till conclusion of trial unless such condition has been relaxed by the learned Trial Court.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M.(A) No. 427 of 2023 is, thus, allowed.

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

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)