

34. 13.07.2023
Court
No.1 Tanmoy Ghosh

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (A) 507 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, in connection with **Siliguri Women Police Station Case No. 172 of 2020** dated **24/10/2020** under Sections **363/365/506** of the Indian Penal Code, 1860 read with Section **6** of the POCSO Act, 2012. POCSO Case No. 86 of 2020.

And

In the matter of: - **Sahadev Paul @ Sahadeb Paul**

...petitioner.

Mr. Hillol Saha Podder, Adv.,
Ms. Mousumi Das, Adv.

...for the petitioner.

Mr. Abhijit Sarkar, Adv.,
Mr. Sagnik Sankar Sikdar, Adv.

...for the State.

Affidavit of service filed in Court today be kept with the records.

Heard learned Advocate for the petitioner and learned Advocate for the State.

It is argued that considering the fact that the present case arises out of a love affair between the present accused/petitioner and the victim girl and also considering the fact that investigation has already been completed, the instant application for anticipatory bail may be considered favourably.

While opposing the prayer for anticipatory bail, learned Advocate for the State draws our attention to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, 1973.

We have perused the entire material in the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, 1973, as well as the medical report. It appears to us that this is not a fit case for custodial trial. In view of the same, we are inclined to allow the prayer for anticipatory bail on some stringent conditions.

Accordingly, in the event of arrest, the petitioner, namely, **Sahadev Paul @ Sahadeb Paul**, 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 arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, until further orders and on further condition that the present accused/petitioner shall appear before the learned Judge, Special Court (under POCSO Act) Siliguri, within twenty one days from the date of obtaining a certified copy of this order or from the date of uploading of this order in the server, whichever is earlier.

It is further ORDERED that the present accused/petitioner shall not leave the territorial jurisdiction of the learned trial Court till conclusion of the trial unless permitted by the learned trial Court and the present accused/petitioner shall not

commit any threat and/or inducement and/or coerce either the victim girl or her relatives who have been arrayed as prosecution witnesses.

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 CRM (A) 507 of 2023 is thus disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)