

24.04.2024
Court No.01
Item No. 08
Allowed

KC

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

CRM (A) 326 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with **Falakata** Police Station Case No. **88** of **2024** dated **03.03.2024** under Section 4 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re: **Samar Sarkar**

Petitioners

Ms. Esha Acharya
Mr. S. Ghosh

For the Petitioners

Mr. Ujjwal Luksom
Mr. Sagnik Sankar Sikdar

For the State

1. Despite of service, the victim is not represented and the same is taken on record.
2. In support of the application for anticipatory bail, it is contended that the present accused petitioner being the father of the principal accused has unnecessarily been implicated in the instant case.
3. Learned counsel for the State opposes the prayer for anticipatory bail.
4. On perusal of the Statement of the victim, as recorded under Section 164 of the Code of Criminal Procedure, we find no incriminating material as against the present petitioner and accordingly, we are inclined to take a lenient view.
4. In view of such, we are inclined to grant anticipatory bail to the present accused petitioner.

5. Accordingly, we direct that in the event of arrest, the petitioner namely **Samar Sarkar** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer and with a further condition that the present accused petitioner shall comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. It is further ordered that the present petitioner shall meet the Investigating Officer once in a week and/or as and when called for by the concerned Investigating Officer till completion of the investigation unless he has been exempted from appearing by the concerned learned Trial Court. It is further ordered that the present accused petitioner shall not leave the territorial jurisdiction of the learned Trial Court except with the permission of the concerned learned Trial Court till submission of the final report.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
7. **CRM (A) 326 of 2024** is, thus, disposed of.
9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Partha Sarathi Sen, J)