

Court No. 1

Calcutta High Court

29.04.2024

In the Circuit Bench at Jalpaiguri

(JCB 159)

Appellate Side

(S. Banerjee)

CRM (A) 381 of 2024

(Allowed)

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In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mirik Police Station Case No. 56 of 2023 dated 28.12.2023 under Section 363 of the Indian Penal Code adding Section 4 of POCSO Act.

And

In the matter of: Wangchuk Tamang
...petitioner

Mr. Subhasish Misra
Mr. Satyajit Paul

... for the petitioner

Mr. Ujjwal Luksom
Mr. Sourav Ganguly

... for the State

Mr. Prajwal Gurung
... for the de facto complainant

1. It is submitted on behalf of the petitioner that allegation as made out in the FIR is the outcome of mere apprehension wherein the present accused-petitioner has been falsely implicated.
2. Learned counsel for the State opposes the prayer for anticipatory bail but prayer for anticipatory bail has not been opposed on behalf of the de facto complainant.
3. On perusal of the entire material in the case diary, including the statement of the victim recorded under Section 164 Cr.P.C., we are convinced - at least prima

facie – that the present accused-petitioner is successful in making out a case for obtaining a favourable order.

4. Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 2,000/- with one registered surety of like amount, and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, to the satisfaction of the Arresting Officer and with a direction to meet the Investigating Officer as and when called for and he shall not leave the territorial jurisdiction of district Darjeeling till conclusion of investigation.
5. All parties shall act on the server copy of this order duly downloaded from the official website of this court.

(Soumen Sen, J.)

(Partha Sarathi Sen, J.)