

17.05.2024
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Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (A) No. 411 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with New Jalpaiguri Police Station Case No. 376 of 2024 dated 26.04.2024 under Sections 341/323/325/506/34 of the Indian Penal Code read with Section 12 of the POCSO Act.

And

In Re : Kartik Chandra Das @ Kartick Chandra Das &
Anr. petitioners

Mr. Hillol Saha Podder

.....for the petitioners

Mr. Abhijit Sarkar

Ms. Namrata Das

....for the State

1. Learned Counsel for the petitioners submits they are falsely implicated in the instant case. They pray for anticipatory bail.

2. Learned Counsel for the State opposes the bail prayer and submits petitioners had misbehaved with a minor school going girl. They also assaulted her relations.

3. We have considered the materials on record including the statement of the minor before Magistrate. In view of the nature of allegations we are of the opinion though custodial interrogation may not be necessary movement of the petitioner no. 2 requires to be restricted in order to instill confidence in the mind of the victim.

4. Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that they shall appear before the court below and pray for regular bail within a period of four weeks from date and on further condition that petitioner no. 2 while on bail shall not enter Bhaktinagar and New Jalpaiguri Police Stations and shall provide the address where he shall presently reside to the investigating officer and the court below and shall report to the officer-in-charge within whose jurisdiction he shall presently reside once in a week until further orders.

5. The application for anticipatory bail is, thus, allowed.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)