

05.12.2024
Item No.57
Court No.1
(GB)
(Party Allowed)

**Calcutta High Court
In the Circuit Bench at Jalpaiguri**

CRM (A) 904 of 2024

In Re: - An application for anticipatory bail under section 438 of the Code of Criminal Procedure, 1973/Section 482 of the B.N.S.S. 2023, in connection with **Boxirhat** Police Station Case No.**403 of 2023** dated **01.10.2023** under Sections 363/365 of IPC, 1908 read with Section 4 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **Sri Chiranjit Das & Ors.**

....Petitioners.

Mr. Kalipada Das,
Mr. Sandip Guha Roy

...for the Petitioners.

Mr. Aditi Shankar Chakraborty,
Mr. Aniruddha Biswas

... for the State.

1. The petitioners pray for anticipatory bail. The petitioner no.1 is the primary accused. The main allegation is directed against the petitioner no.1. Petitioner nos. 2, 3 and 4 are the relatives. Learned advocate for the petitioners submits that the petitioner no.1 had a love affair with the victim. The victim voluntarily left the house. Thereafter, she lodged a false complaint.
2. Learned advocate for the State opposes the prayer for anticipatory bail and hands over the case diary.
3. We have considered the statement made by the victim under Section 164 of the Code of Criminal Procedure corresponding to Section 183 of the B.N.S.S., 2023.
4. Considering the statements and the allegations against the petitioner no.1, we are not inclined to extend the benefit of Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the

B.N.S.S. to the petitioner no.1. Such prayer is rejected with regard to the petitioner no.1

5. With regard to the other petitioners, we do not find any specific allegations against them. Under such circumstances, we direct that in the event of arrest, the petitioner nos.2, 3 and 4 shall be released on bail upon furnishing a bond of Rs.10,000/- each, with two sureties of equal amount each, to the satisfaction of the Additional Sessions Judge, Tufanganj, Cooch Behar. The petitioners shall appear before the jurisdictional court on the dates fixed. The petitioners shall not leave the jurisdiction of the jurisdictional court without permission of the court. The petitioners shall not intimidate witnesses or tamper with evidence in any manner whatsoever
6. The application for anticipatory bail, being CRM (A) 904 of 2024 is, thus, disposed of.
7. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Partha Sarathi Chatterjee, J.)