

05.12.2024
Item No.59
Court No.1
(GB)
(Allowed)

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

CRM (A) 918 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 **Rajganj** Police Station Case No.**294 of 2024** dated **14.08.2024** under Sections 137(2)/140(3) of B.N.S, read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **Har Kumar Roy**

....Petitioner.

Mr. Subrata Karmakar,
Ms. Madhumita Sarkar,
Ms. Rinka Chakraborty

...for the Petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Sourav Ganguly

... for the State.

Mr. Satyajit Paul

... for the de facto complainant.

1. The petitioner prays for anticipatory bail on the ground that he has been falsely implicated. He submits that the principal accused has been released on bail. According to the petitioner, the statement of the victim does not contain any specific allegation against him.
2. Learned advocate for the de facto complainant submits that the petitioner, by misusing his position as a constable in the police force, has tried to mislead the entire prosecution.
3. Learned advocate for the State opposes the prayer for anticipatory bail and hands over the case diary. He submits that the charge-sheet has also been filed against the petitioner on the charge of abetment.
4. We have considered the case diary. We have considered the order passed in CRM (DB) 612 of 2024. 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.

5. Considering the materials available, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of equal amount each, to the satisfaction of the Additional Sessions Judge, 2nd Court, Jalpaiguri. The petitioners shall appear before the jurisdictional court on the dates fixed. The petitioner shall not leave the jurisdiction of the jurisdictional court without permission of the court. The petitioner shall not intimidate witnesses or tamper with evidence in any manner whatsoever
6. The application for anticipatory bail, being CRM (A) 918 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.)