

31.01.2025

Ct. No. 1

Sl. No.13

akd

[ALLOWED]

IN THE HIGH COURT AT CALCUTTA

Circuit Bench at Jalpaiguri

C. R. M. (A) 50 of 2025

In Re: An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed on 29.01.2025 in connection with Mekhliganj Police Station Case No. 408 of 2024 dated 04.12.2024 under Sections 79/74/329(4)/115(2)/118(2)/117(2) of the Bharatiya Nyaya Sanhita, 2023. (G.R. Case No.757 of 2024)

And

In Re: ***Deben Barman @ Bhola***

... .. Petitioner

Ms. Madhushri Dutta

... .. for the petitioner

Mr. Nilay Chakraborty .. Id. Addl. Public Prosecutor

Ms. Sukanya Adhikary

... .. for the State

1. It is submitted on behalf of the petitioner allegations of molestation and assault are false. Petitioner has been falsely implicated. Accordingly, he prays for anticipatory bail.

2. Learned Advocate for the State opposes the prayer for anticipatory bail and submits petitioner had molested the lady. When her son intervened, he assaulted him with a *daa*.

3. We have considered the materials on record. A photograph is annexed in the case diary showing injury in the hand. But no injury report in respect of gravity of the injury is placed on record. Under such circumstances, we are of the opinion though custodial interrogation of the accused/petitioner may not be necessary, his movement requires to be restricted in order to instil confidence in the minds of the victim and other witnesses.

4. Accordingly, we direct in the event of arrest, the accused/petitioner, namely ***Deben Barman @ Bhola***, be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 and on further condition the petitioner, while on bail, shall not enter the jurisdiction of Mekhliganj Police Station and shall provide the address where he shall presently reside to the Investigating Agency as well as the jurisdictional court and shall report to the Officer-in-charge of the police station concerned within whose jurisdiction he shall presently reside once in a week until further orders. He shall appear before the jurisdictional court and pray for regular bail within four weeks from date.

5. The application for anticipatory bail is, thus, disposed of.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)