

22. 10.04.2025
Court
No.1 (Tanmoy)

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (A) 270 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 / Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Kharibari Police Station Case No. 21/2025** dated **27/01/2025** under Sections **126(2)/118(2)/109/3(5)** of Bharatiya Nyaya Sanhita, 2023. PTN Case No.WBDJOEP0006092025.

And

In the matter of: - **Ganesh Mahato**

...petitioner.

Mr. Mayank Roy

...for the petitioner.

Mr. Tapan Bhattacharjee
Mr. Dhiman Sil

...for the State.

1. The petitioner says that even assuming that he assaulted the victim of this case, the victim deserved such treatment. On the day prior to the date of occurrence, the victim in this case sexually assaulted the petitioner’s minor sister. On the next date, the alleged incident of this case happened. On that very day, criminal complaint was lodged against the victim under Protection of Children from Sexual Offences Act, 2012. He is fully prepared to co-operate with the Investigating Officer. He prays for pre-arrest bail.
2. Learned State Advocate, while opposing the prayer for anticipatory bail, shows me the injury report. The injury cannot be said to be grievous.

3. The State has not told me that this petitioner has criminal antecedents.
4. In the facts and circumstances of the case recorded above, considering the nature of allegation in this case and what may have happened with the petitioner's sister, I am of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he fully co-operates with the Investigating Officer.
5. Accordingly, in the event of arrest, the petitioner, namely, **Ganesh Mahato**, shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Additional Chief Judicial Magistrate, Siliguri, Darjeeling and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 / Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, until further orders and on further condition that the petitioner shall appear before the learned Trial Court on each and every date of hearing and shall report to the Investigating Officer of the case, once every fortnight, until further orders. Within seven days from date, the petitioner shall go and meet the Investigating Officer of this case.
6. In case the petitioner fails to adhere to any of the conditions stipulated above, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

7. The application for anticipatory bail being CRM (A) 270 of 2025 is accordingly disposed of.
8. Criminal Section is directed to make available certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)