

10.08.2021.
15.
As/Akd
(Allowed)

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION**

**C.R.M. 781 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mathabanga P.S. Case No.192 of 2021 dated 21.04.2021 under Section 8 of the POCSO Act.

In the matter of : Naren Barman @ Budu. ... Petitioner.

Mr. Hillol Saha Poddar,
Ms. Arpita Saha.

.....for the Petitioner.

Mr. Aditi Shankar Chakraborty, Id. A.P.P.,
Mr. Ujjal Luksom,
Mr. Sourav Ganguly.

.....for the State.

The Advocate-on-record of the petitioner undertakes to affirm and stamp the petition/application as per the Rules within four weeks from date. Subject to such undertaking, the application is taken up for hearing.

Apprehending arrest in connection with Mathabanga P.S. Case No.192 of 2021 dated 21.04.2021 under Section 8 of the POCSO Act, the petitioner has filed the instant application for anticipatory bail.

According to the learned Advocate for the petitioner, previously there was a scuffle with the petitioner's family and the family of the de-facto complainant; and the wife of the petitioner received fatal injury and was admitted in the hospital for two days and the case was also registered against the family of the de-facto complainant. The present case is lodged after 19 days of such incident as counter-blast to the earlier case filed by the petitioner.

Learned Advocate for the State submits that the statement of the victim girl has recorded under Section 164 of the Code of Criminal Procedure but she refused to undergo with the medical examination.

In course of hearing, it transpires that the charge sheet has already been submitted and, therefore, considering the materials available from the record, we do not find any justification in the custodial interrogation of the petitioner any more.

Accordingly, we direct that in the event of arrest the petitioner shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local subject to the satisfaction of the arresting officer and on condition that he shall attend the trial court on every date of hearing until further orders and on further conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

In the event, the petitioner fails to do so without any justifiable cause, the trial court shall be at liberty to pass an appropriate order in accordance with law without any further reference to this Court.

This application for anticipatory bail is, thus, allowed.

The application for anticipatory bail, being CRM 781 of 2021, is thus disposed of.

(Harish Tandon, J.)

(Bibek Chaudhuri, J.)

