

08. 11.08.2021

Ct.32

Tanmoy

Allowed

**In The High Court at Calcutta
Circuit Bench at Jalpaiguri
Appellate Side**

(Through Video Conference)

C.R.M. 783 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **27/07/2021** in connection with POCSO Case No. **06(D)/2021** arising out of **Sahebganj Police Station Case No. 81 of 2021** dated **09/03/2021** under Sections **363/365/109/506** of the Indian Penal Code and Section **4** of the POCSO Act, 2012.

And

In the matter of: - **Raghunath Barman**

....petitioner.

Mr. Surajit Basu,
Mr. Ratan Chandra Roy

...for the petitioner (through V.C.)

Mr. Aniruddha Biswas,
Mr. Ujjwal Luksom

...for the State (through V.C.)

The petitioner is one of the two accused persons. The allegation is that the petitioner lured the victim girl, 16 years old, to his house upon promising to marry her. The girl was in the petitioner's house for five days. On March 6, 2021, the girl returned to her paternal home. Complaint was lodged on March 9, 2021. The petitioner's father, a co-accused, has been granted anticipatory bail by the learned Court below.

Learned Counsel for the State vehemently opposes the prayer for anticipatory bail.

We have seen the material in the Case Diary. There is no clinical injury recorded in the medical report.

Having considered the nature and gravity of the allegations and the overall facts and circumstances of the case, although, charge-sheet has not yet been submitted, we are of the view that immediate custodial detention of the petitioner is not necessary so long as he co-operates with the Investigating Officer.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The prayer for anticipatory bail is, thus, **allowed**.

The application being C.R.M. 783 of 2021 is, accordingly, disposed of.

All parties shall act in terms of server copy of this order downloaded from the official website of this Court.

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)