

21.12.2021
Court No.01
Item No. 21

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

sg

**CRM 1217 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Haldibari Police Station Case No. 203 of 2021 dated 27.08.2021 under Sections 363/365/506/109 of the Indian Penal Code adding Section 6 of the POCSO Act.

And

In Re: **Jafurul Hoque @ Hussain**

Petitioner

Mr. Sourav Ganguly
Mr. Sourav Kar
Mr. Kallol Nag

For the Petitioner

Mr. Ujjwal Luksom
Mr. Sagnik Sankar Sikdar

For the State

The learned Counsel for the petitioner submits that due to change of circumstances, this application for anticipatory bail has been filed and the petitioner has renewed his prayer for anticipatory bail.

Having considered the materials on records and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, we prima facie find the nature and extent of complicity of the petitioner in the commission of alleged offence and the circumstances which were shown as factors to be taken into consideration, cannot be the relevant factors when we are assessing the safety and security of a child.

The learned Counsel for the State, however, opposes the prayer for anticipatory bail and submits that the prosecution would be taken appropriate steps with regard to the persons who were enlarged on bail or are present on anticipatory bail.

As we are of the prima facie view that the investigating agency would have been more careful and sensitivity requires that appropriate steps should have been taken by them having regard to the object of POCSO Act. The prayer for anticipatory bail stands dismissed.

This order shall be communicated to the Superintendent of Police, Cooch Behar for necessary action.

CRM 1217 of 2021 is accordingly, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Biswajit Basu, J)

(Soumen Sen, J)