

28.04.2022
Serial no.1
Aloke
Ct. No. 29

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

CRM (A) 218 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 25.04.2022 in connection with Bhaktinagar P.S. Case No. 239 of 2021 dated 07.03.2021 under Sections 363/365 of the Indian Penal Code read with Section 6 of the POCSO Act.

-And-

In the matter of: **Subrata Mandal @ Rahul Mandal**
... ...Petitioner

Mr. Bitasok Banerjee, Advocate

... ... For the Petitioner

Mr. Aditi Shankar Chakraborty, Id. APP

Mr. Ujjwal Luksom, Advocate

... ... For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner and the victim were married. The petitioner applied for anticipatory bail which was dismissed for default on March 3, 2022. Thereafter the restoration application was disposed of on April 21, 2022.

The present petition was filed immediately thereafter.

Learned Advocate appearing for the State draws the attention to the age of the victim, medical report and her statement recorded under Section 164 of the Code of Criminal Procedure.

In her statement recorded under Section 164 of the Code of Criminal Procedure, the victim acknowledges a relationship between her and the petitioner. The victim was recovered before March 18, 2021. The petitioner did not approach the Court for appropriate relief for a period in excess of 10 months. The charge-sheet was submitted on June 12, 2021.

Considering the long absconsion of the petitioner and considering the age of the victim and her statement recorded under Section 164 of the Code of Criminal Procedure, we are unable to grant anticipatory bail to the petitioner.

CRM (A) 218 of 2022 is rejected

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)