

08.07.2022
Court No.1
SL No.27
pk/AP

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

CRM(A) 314 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Falakata P.S. Case No.115 of 2021 dated 06.04.2021 under Sections 363/365 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In the matter of: **Prosenjit Das @ Prasenjit @ Prasen**
....Petitioner.

Mr. Kallal Ghosh
...for the petitioner.

Mr. Arun Kumar Sarkar
Mr. Sagnik Sankar Sikdar
...for the State.

Application for anticipatory bail is filed on the ground that the alleged victim girl was more than 17 years of age. The birth certificate has not been seized as yet.

Counsel for the petitioner produces the original birth certificate (laminated and pink in colour) and the same is handed over to the counsel for the State who shall handover the same to the investigating officer.

The alleged birth certificate indicates that the victim was born on 26th August 2002.

Having considered the materials on record and the fact that the victim and the petitioner had a love affair for some time and the marriage was primarily opposed by the parents of the victim

girl, this Court is inclined to grant anticipatory bail to the petitioner.

In the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.5,000/- with two sureties of like amount each to the satisfaction of the Arresting Officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that the petitioner shall meet the investigating officer once in a week until further orders and he shall appear before the court below and pray for regular bail within a fortnight from date.

The application for anticipatory bail being CRM(A) 314 of 2022 is, thus, disposed of.

(Rajasekhar Mantha, J.)

(Ananda Kumar Mukherjee, J.)