

05.06.2023

Sl. 26

Court No. 12

Sourav/

Suvayan

(Allowed)

C.R.M. (A) 2167 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Nandakumar** Police Station Case No. **36** of **2023** dated **02.02.2023** under Sections **354D/506** of the Indian Penal Code, 1860 and Section **12** of the Protection of Children from Sexual Offences Act.

And

In the matter of: **Moniruddin Khan @ Maniruddin Khan @ Ariyan Khan**

....petitioner.

Mr. Moyukh Mukherjee
Mr. Abhijit Singh
Mr. Koustav Lal Mukherjee
Mr. Sk. Ariful Islam

...for the petitioner.

Mr. A. Hossen
Mr. Chittaranjan Ghosh

...for the State.

1. Heard Mr. Moyukh Mukherjee, learned Counsel for the petitioner and Mr. A. Hossen, learned Counsel for the State.
2. This petition for anticipatory bail being CRM (A) 2167 of 2023 arises out of Nandakumar Police Station Case No. 36 of 2023 dated 02.02.2023 under Sections 354D/506 IPC and Section 12 of the POCSO Act.
3. The petitioner being a boy of 23 years old is alleged to have continuously threatened the victim girl to keep relationship with him which in our view is not a good sign on the part of the petitioner but at the same time the petitioner is also young and charge-sheet is stated to have been filed in the meantime.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, submission of charge-sheet in the meantime, tender age of the petitioner and

possibility of reform in him, it is directed that the petitioner shall appear before the learned Additional Sessions Judge, 2nd Court (POCSO), Tamluk, Purba Medinipur in the case corresponding to Nandakumar P.S. Case No. 36 of 2023 dated 02.02.2023 within fifteen days from today. On his appearance and application for bail, learned Trial Court in seisin over the matter shall release him on bail on such terms and conditions deemed just and proper in the facts and circumstances of the case including the conditions that i) the petitioner shall not threaten, induce or coerce the victim girl or any of her relatives or any of the witnesses during the currency of this order; ii) the petitioner shall appear before the Inspector-in-Charge, Nandakumar P.S. once in a month on the day and time fixed by the said Inspector-in-Charge and shall give an undertaking that during last month he has complied with the conditions of this order and has not met with the victim. The aforesaid condition no. (ii) shall be effective till commencement of trial and the trial Court, if he is satisfied about the conduct of the petitioner, shall discharge him of the aforesaid condition.

5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 2167 of 2023** is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

