

24.08.2023
SL. 11
Court No. 29
Suvayan
(Rejected)

C.R.M. (A) 2566 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Manikchak** Police Station Case No. **232 of 2023** dated **21.04.2023** under Section **6** of the POCSO Act.

And

In the matter of: **Gouranga Mandal @ Garanga Mondal**

....petitioner.

Mr. Kalidas Saha

...for the petitioner.

Mr. S. G. Mukherji, PP

Mr. Aniket Mitra

Ms. Jonaki Saha

...for the State.

1. Heard learned Counsel for both the parties.
2. Admittedly the victim has not attained the age of consent as prescribed in the POCSO Act and the petitioner is stated to be 28 years old who at least knows what is the consequence of keeping sexual relationship with a victim girl if the victim girl because of her minority is not in a position to know such consequence. Finding that the victim girl was in love with the present petitioner and had eloped with him we tried for settlement through the I.O. but we are informed now that the families did not agree for settlement and the petitioner has married in the meantime. From the medical papers it is found that the petitioner had impregnated the victim and she without finding any way out had taken pills for abortion on medical advice.
3. Regard being had to the presumption in Sections 29 and 30 of the POCSO Act and the conduct of the petitioner, we are not inclined to exercise our discretion in favour of the petitioner under Section 438 Cr.P.C.
5. Accordingly, the prayer for the anticipatory bail is rejected.

6. The application being **CRM (A) 2566 of 2023** is dismissed.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

