

26.07.2023  
(D/L 24)  
Ct. No.29  
(Rejected)  
(SKB)

**CRM (A) 2702 of 2023**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Pandua P.S. Case No.243 of 2023 dated 08.05.2023 under Sections 354/354D of the Indian Penal Code read with Sections 8/12 of the POCSO Act corresponding to S.C. (Special) Case No.17 of 2023.

In the matter of : Montu Mondal

... Petitioner

Mr. Tanmay Basu,  
Mr. Manoj Adak

... for the petitioner

Ms. Faria Hossain,  
Ms. Baisali Basu,  
Mr. Anand Kesheri

... for the State

1. Heard the learned Counsel for the parties.
2. The petitioner being a Group 'D' staff of a school is alleged to have committed the offence as aforesaid in respect of minor girls and the District Welfare Officer has lodged the FIR against the present petitioner.
3. Statements under Section 164 Cr.P.C. of the two victims are shown to have been recorded. Though the allegation *per se* is not serious but the girls are stated to have sensed the illicit look and bad touch of the petitioner.
4. Regard being had to such fact and specially the fact that the petitioner is in a position to exploit girl students in the school, we are not inclined to exercise our discretion under Section 438 Cr.P.C. in favour of the petitioner.
5. Accordingly, the prayer for anticipatory bail is rejected.
6. CRM(A) 2702 of 2023 is dismissed.

**(Chitta Ranjan Dash, J.)**

**(Partha Sarathi Sen, J.)**