

21.08.2023
(M/L 274)
Ct. No.29
Allowed
(SKB)

CRM (A) 3075 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with the C. Special Case No.12 of 2023 arising out of the Islampur P.S. Case No.57 of 2023 dated 17.02.2023 under Sections 363/365/34/376 and Section 4 of the POCSO Act.

In the matter of : Mamon Sk @ Mamon Azad Sekh
... Petitioner

Mr. Tapodip Gupta
... for the petitioner

Ms. Zareen N. Khan,
Mr. Ashok Das
... for the State

1. Heard the learned Counsel for the parties.
2. The petitioner is stated to be 21 years old. We find complete variance in the FIR lodged by the mother of the victim and the statement of the victim recorded under Section 164 Cr.P.C. Therefore, we find it proper to leave the matter to be decided on merit by the learned trial court.
3. Charge-sheet has already been filed.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, his tender age and possibility of reform in him, nature of allegation and completion of investigation, it is directed that the petitioner shall surrender before the learned Special Judge (POCSO Act), Lalbag, Murshidabad in connection

with the C. Special Case No.12 of 2023 arising out of the aforesaid P.S. case within 15 days from today. On his surrender and application for bail, he shall be released on bail by the aforesaid Court on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions:

- i) The petitioner shall appear before the trial court on the date of substantive hearing subject to provision of Section 317 Cr.P.C.
- ii) The petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.

5. Accordingly, the prayer for the anticipatory bail is allowed.

6. The application being CRM(A) 3075 of 2023 is disposed of.

7. The learned court below is hereby directed to act upon the server copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)