

30.08.2023
SL. 34
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3478 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **English Bazar Women** Police Station Case No. **43** of **2023** dated **07.03.2023** under Section **6** of the POCSO Act.

And

In the matter of: **Sarfaraj Momin**

....petitioner.

Md. Wasim Akram

...for the petitioner.

Mr. Abhra Mukherjee
Mr. Dipankar Mahata

...for the State.

Ms. Reshmi Khatun

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. The petitioner is stated to be a boy, aged about 18 years old and the victim is stated to be a girl, aged about 16 years old.
3. From the statement of the victim recorded under Section 164 Cr.P.C., we do not find any material to constitute offence under Section 6 of the POCSO Act though there is allegation of manhandling of the victim and attempt to murder her at the instance of the relative of the present petitioner. But all those allegations are at the fringe.
4. Regard being had to the facts and submission, factum of permanent residence of the petitioner, his tender age and possibility of reform in him, nature of allegation and substantial progress in investigation, it is directed that the petitioner shall be released on bail in the event of his arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts

and circumstances of the case.

5. The petitioner is directed to appear before the I.O. within 21 days from today along with a server copy or certified copy of this order.
6. Accordingly, the prayer for the anticipatory bail is allowed.
7. The application being **CRM (A) 3478 of 2023** is disposed of.
8. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

