

**03.10.2023**

SL. 21

Court No. 29

Sourav

(Allowed)

**C.R.M. (A) 3946 of 2023**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangarampur** Police Station Case No. **537** of **2022** dated **16.11.2022** under Sections **363/365/34** IPC and adding Section **6** of the POCSO Act. (corresponding to G.R. Case No. 1231 of 2022 and Special Case No. 4 of 2023).

And

In the matter of: **Mamun Miah @ Mamun Sarkar**

....petitioner.

Mr. Busra Khatun

...for the petitioner.

Mr. Binay Panda

Mr. Subham Kanti Bhakat

... for the State.

1. Heard learned Counsel for the parties.
2. Considered the material placed by them including the statement of the victim recorded under Section 164 Cr.P.C.
3. The victim girl, in her such statement has completely exonerated the petitioner so far as offence under Section 6 of the POCSO Act is concerned. There is, however, some allegation regarding the offence under Sections 363/323 IPC as found *prima facie* from the statement of the victim.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation, nature of evidence and completion of investigation, it is directed that petitioner shall surrender before the learned Additional Sessions Judge, Gangarampur at Buniadpur, in Special Case No. 4 of 2023 arising out of the aforesaid P.S. case within 15 days from today. On his appearance and application for bail, he shall be released on bail on such terms

and conditions as deemed just and proper in the facts and circumstances of the case.

5. Accordingly, the prayer for anticipatory bail is allowed.
6. The application being **CRM (A) 3946 of 2023** is disposed of.
7. Learned Additional Sessions Judge, Gangarampur at Buniadpur, in Special Case No. 4 of 2023 is hereby directed to act upon the server copy of this order, if required.

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

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

