

03.10.2023
D/L 36
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3967 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Manikchak P. S. Case No.668 of 2023 dated 22.08.2023 under Sections 448/354/506 of the Indian Penal Code read with Section 12 of the POCSO Act registered at POCSO Case No.129 of 2023.

In the matter of : Rocky Poddar @ Roky Poddar
... Petitioner

Mr. Sujoy Sarkar,
Mr. Musharraf Alam Sk.
Ms. Susmita Ghorai
... for the petitioner

Mr. Prasun Kr. Datta, ld. APP
Mr. Nirupam Dhali
... for the State

1. Heard learned counsel for the parties.
2. Considered the materials placed before us including the FIR and the statement of the victim recorded under Section 164 Cr.P.C. In the FIR there is allegation to the effect that there are proposals by the petitioner's family for marriage of the petitioner with the victim girl but the victim girl being a minor, such proposal was refused and the petitioner is alleged to have pulled the hand of the victim.
3. In her statement recorded under Section 164 Cr.P.C., the victim has stated that while she was going to the school,

the petitioner was following her and teasing her but there is no allegation regarding pulling of hand etc.

4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation and substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest in the POCSO Case No.129 of 2023 arising out of the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions:
 - i) The petitioner is directed to appear before the IO once in a week on the day and time fixed by the IO for the purpose of investigation till submissions of Final Form.
 - 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. Within 21 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
7. The applications being CRM(A) 3967 of 2023 is disposed of.
8. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)