

22.11.2023

SL. 38

Court No. 29

ss/SD

(Allowed)

C.R.M. (A) 4427 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kenda** Police Station Case No. **46** of **2023** dated **28.6.2023** under Sections **363/365/506/120B** IPC read with Section 17 of the POCSO Act.

And

In the matter of: **Alok Mahato @ Alok Kumar Mahato**

....petitioner.

Mr. Sandipan Ganguly
Mr. Nilendra Narayan Ray
Mr. Shankha Ghosh

...for the petitioner.

Mr. Anwar Hossain
Ms. Ratna Ghosh

... for the State.

1. Affidavit of service filed on behalf of the petitioner in Court today be kept with the record.
2. Heard learned Counsel for the parties.
3. The present petitioner has approached this Court after addition of the offences under Sections 6 and 17 of the POCSO Act while submitting charge sheet against them though initially the case was started under Sections 363/365/506/120B of the IPC.
4. While opposing the prayer for anticipatory bail, learned Advocate for the State took us to this statement of the victim recorded under Section 164 Cr.P.C. wherefrom we find that this is the version of the victim, the principal accused eloped with the victim girl and took her to a place where the present petitioner being the uncle of the principal accused and father of the principal accused (not before us) wrongfully restrained

her.

5. Since charge sheet has already been submitted, we do not find any requirement of any further custodial interrogation of the present petitioner.
6. Regard being had to such facts and submissions, factum of permanent residence of the petitioners, nature of allegation, nature of evidence and completion of investigation, it is directed that the petitioner shall surrender before the learned Additional District Judge, 2nd Court, Purulia-cum-Special Judge (POCSO Act), Purulia in SC (Special) Case No. 53 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 including the condition that:
 - i) The petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
7. Accordingly, the prayer for anticipatory bail is allowed.
8. The application being **CRM (A) 4427 of 2023** is disposed of.
9. Learned Additional District Judge, 2nd Court, Purulia-cum-Special Judge (POCSO Act), Purulia is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)