

AD-231
Ct No.01
Jalpaiguri
06.02.2023
TN

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 11 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **02.01.2023** in connection with **Pradhan Nagar** Police Station Case No. **132** of **2019** dated **10.03.2019** under Sections **6/8 of Protection of Children from Sexual Offences Act, 2012** and **charge sheet** no. **707** of **2021** dated **06.10.2021** under **Sections 6/8 of Protection of Children from Sexual Offences Act, 2012.**

And

In the matter of: **Md Afijul Rahaman**

.... petitioner

Mr. Anirban Banerjee

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Biswarup Roy

... for the State

Learned counsel for the petitioner contends that the petitioner has not been named in the FIR.

It transpires from the submissions of learned counsel for the State, who opposes the prayer for anticipatory bail, that even the Section 164, Criminal Procedure Code statement does not name the petitioner specifically.

As such, we find sufficient reason to grant the benefit of anticipatory bail to the petitioner.

Accordingly, CRM (A) 11 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the conditions in Section 438(2) of the Code of Criminal Procedure.

In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 2,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge, Special Court (under POCSO Act), Siliguri.

The petitioner shall not leave the territorial jurisdiction of the concerned police station during the course of investigation and shall make himself available for interrogation and/or meet the Investigating Officer as and when so required during the entire period of investigation.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)