

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

13.01.2023
Court No.1
(skb 47)

CRM(A) 19 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Maynaguri Police Station Case No.476 of 2022 dated 01.12.2022 under Section 4 of the POCSO Act read with Section 376 of the India Penal Code and Section 77 of J.J. Act.

And

In the matter of: **Shri Nilu Mandal**

.**Petitioner.**

Mr. Kumar Shantanu

... For the Petitioner.

Mr. Ujjwal Luksom,
Mr. Sagnik Sankar Sikdar

... For the State.

Ms. Sunayna Prasad

... for the defacto complainant.

Ms. Smita Sinha (Mitra)

... for the victim girl.

Upon considering the fact that the victim girl would have completed 18 years of age within a few months of the date of the alleged offence together with a fact that both the victim girl as well as the defacto complainant (father of the victim girl) submits through learned counsel that they have no objection if the prayer for anticipatory bail is granted, we are inclined to grant the prayer for anticipatory bail. We have also considered the case diary.

Learned counsel appearing for the State objects the prayer for anticipatory bail.

We accordingly direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten

Thousand) with two sureties each of like amount to the satisfaction of the Arresting Officer and also to comply with the conditions laid down under Section 438(2) of The Code of Criminal Procedure, 1973. The petitioner shall join the investigation and shall not interfere with any witnesses or tamper with any evidence in any manner whatsoever.

The application for anticipatory bail being CRM(A) 19 of 2023 is allowed and disposed of in terms of the above.

(SIDDHARTHA ROY CHOWDHURY, J.)

(MOUSHUMI BHATTACHARYA, J.)