

AD-185
Ct No.01
Jalpaiguri
09.02.2023
TN

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

CRM (A) 38 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 06.01.2023 in connection with Boxirhat Police Station Case No. 50 of 2021 dated 19.03.2021 under Sections 305/34 of the IPC, read with Section 6 of the POCSO Act, 2012, corresponding to POCSO Case No. 12 of 2021.

And

In the matter of: Azad Ali Miah @ Azad Ali Miya @ Ajad Ali Miah

.... petitioner

Mr. Subhasish Misra

... for the petitioner

Mr. Aditi Shankar Chakraborty,
Mr. Sagnik Sankar Sikdar

... for the State

Learned counsel for the petitioner submits that the principal accused has already been enlarged on bail. That apart, it is argued that the nature of the allegation was that the victim girl committed suicide on March 16, 2021 whereas on March 19, 2021 the allegation was made that the principal accused and the petitioner were stalking the victim girl on March 15, 2021.

Learned counsel for the State opposes the prayer for anticipatory bail and submits that the statements by the witnesses and the complaint against the petitioner as well as the co-accused indicate clearly that the co-accused person had ravished the victim while the present petitioner had taken photographs and blackmailed the victim, threatening circulation of such photographs.

Keeping in view the surrounding circumstances of the case, we are not inclined to grant anticipatory bail at this stage to the petitioner; more so, since the petitioner is allegedly absconding.

Accordingly, CRM (A) 38 of 2023 is dismissed, thereby refusing the prayer for anticipatory bail of the petitioner. However, the petitioner shall be entitled to surrender and obtain bail from the jurisdictional court upon conditions as stipulated by the said court. If so approached, the jurisdictional court shall not be prejudiced adversely by any of the observations made herein.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)