

**IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri**

06.03.2023.
31.
as
(Allowed).

C.R.M. (A) 174 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Haldibari P. S. Case No.215 of 2022 dated 28.07.2022 under Sections 363/365 of the Indian Penal Code read with Section 6 of the POCSO Act.

In the matter of : Subhankar Mandal.

... Petitioner.

Mr. Anirban Banerjee,
Mr. S. Basu,

...for the Petitioner.

Mr. Kallol Acharjee,
Mr. Sagnik Sankar Sikdar.

.....for the State.

Mr. Bikash Singha.

...for the de-facto complainant.

Petitioner submits there was a love affair between the parties. He prays for anticipatory bail.

Learned Advocate for the State opposes the prayer for anticipatory bail. He submits investigation is in progress.

Learned Advocate for the de-facto complainant also opposes the prayer for anticipatory bail.

We have considered the materials on record including the statement of the minor. Minor victim stated that the petitioner had kept her in the house of a relation.

In view of the aforesaid fact and the submission that there was a romantic relationship between two young

persons, we are of the opinion custodial interrogation of the petitioner for progress of investigation is not necessary but movement of the petitioner requires to be restricted to instil confidence in the mind of the victim and other witnesses.

Accordingly, we direct that in the event of arrest the petitioner viz., Subhankar Mandal shall be released on bail upon furnishing a bond of Rs.10,000/- with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners shall appear before the trial court and pray for regular bail within a period of four weeks from date and on further condition that the petitioner while on bail shall not enter the jurisdiction of Haldibari Police Station except for the purpose of investigation and court proceeding and shall provide the address where he shall reside to the Investigating Officer as well as the court below and report to the Officer-in-charge of the concerned Police Station within whose jurisdiction he shall reside once in a week until further orders.

This application for anticipatory bail is, thus, disposed of.

(Subhendu Samanta, J.)

(Joymalya Bagchi, J.)

