

03.05.2023
KC (14)

IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL MISCELLANEOUS JURISDICTION

C.R.M.(A) 221 of 2023

In the Matter of : Jahangir Mia @ Jahangir Hossain
@ Jahangir Alam
.... petitioner.

Ms. Suman Snehanabis(Mondal),
Ms. Salok Sah.....For the petitioner.

Mr. Ujjwal Luksom,
Mr. Sagnik Sankar Sikdar.....For the State.

This is an application for grant of anticipatory bail filed under Section 438 of the Code of Criminal Procedure, 1973 in connection with Mathabhanga Police Station Case No. 173 of 2021 dated 5th April, 2021 under Sections 363/365/109 of the Indian Penal Code and Section 12 of the POCSO Act, corresponding to POCSO Case No. 12 of 2021, pending before the learned Special Judge-cum-Additional Sessions Judge (POCSO) Act at Mathabhanga, Cooch Behar.

Since the incident on 4th April, 2021 a lot of water has flowed down the river Ganges. The victim was 14 years of age at that time and the petitioner 20 years of age. Allegedly they had association with each other.

The case against the petitioner is that on 4th April, 2021 he abducted or kidnapped the victim. Thereafter she was brought back by her family.

In her statement under Section 164 of the Criminal Procedure Code before the learned judicial magistrate she implicated the petitioner.

On 5th August, 2021 the petitioner's application for anticipatory bail was refused by this court. The subsequent event for re-consideration of his prayer is that after completion of investigation charge-sheet has been filed on 30th January, 2023 which states that she refused medical examination.

For all these reasons there is, in our view, no justification for custodial interrogation.

We allow this application for anticipatory bail on the following terms and conditions:

We direct that in the event of arrest the petitioner shall be released on bail on furnishing security of Rs. 10,000/- (Rupees Ten Thousand) with personal release bond of equivalent value to the satisfaction of the arresting officer.

The petitioner will also comply with the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

We impose further conditions that:

- (a) He shall immediately deposit his passport, if he has any, with the investigating officer.
- (b) He shall appear before the investigating officer for interrogation as and when summoned.

- (c) He shall not leave the limits of the district Cooch Behar without informing the investigating officer.
- (d) He shall not tamper with evidence or interfere with the witnesses in any manner.
- (e) The petitioner shall appear before the court below and pray for regular bail within a period of four weeks from date.

The application for anticipatory bail CRM(A) 221 of 2023 is disposed of.

(I.P. MUKERJI, J.)

(ANANYA BANDYOPADHYAY, J.)

