

11.05.2023

sb (6)

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

C.R.M.(A) 222 of 2023

In the Matter of : Dhanraj Barman

.... Petitioner.

Mr. Subhasis Misra

....for the petitioner.

Mr. Aditi Shankar Chakraborty

Mr. Kallol Nag

.....For the State.

This is an application for grant of anticipatory bail filed under the provisions of Section 438 of the Code of Criminal Procedure, 1973 in connection with Dinhata Women Police Station Case No. 80 of 2021 dated 30.09.2021 under Section 8 of the Protection of Children from Sexual Offences (POCSO) Act 2012 corresponding to POCSO Case No.23 of 2021 pending before the learned Additional Sessions Judge, Dinhata, Cooch Behar.

This application, apart from suffering suppression of material fact is also unmeritorious. In the petition, the petitioner has not disclosed that a previous application for anticipatory bail, being CRM (A) 280 of 2022 was filed before this Court and rejected on 30th June, 2022 which is pointed out by the State with the order. The material disclosed in the

case diary as also from the contemporaneous documents does not persuade us to grant a protection to the petitioner from being arrested. That apart, granting of protection against arrest to the petitioner may lead to the petitioner absconding from district to avoid arrest. This is more so as there are international border in the vicinity. There is also every likelihood of the petitioner to intimidate the victim and her family members and also the possibility of evidence being tampered. The petitioner may also be required for custodial interrogation.

The anticipatory bail prayed for is, thus, rejected.

The application for anticipatory bail CRM(A) 222 of 2023 is dismissed.

(Ananya Bandyopadhyay, J.) (Arindam Mukherjee, J.)