

15 04.07.2023
Court
No.1 Tanmoy Ghosh

Allowed

**CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE**

CRM (DB) 268 of 2023

In Re: - An application for bail under Section 439 of the Code of Criminal Procedure, 1973, in connection with **Mekhliganj Police Station Case No. 27 of 2023** dated **24.01.2023** under Sections **363/365/34** of the Indian Penal Code, 1860 read with Section **6** of the POCSO Act.

And

In the matter of: - **Maksud Ansari @ Rehan Ansari @ Lalu**

...petitioner.

Mr. Sudip Guha, Adv.

...for the petitioner.

Mr. Sandip Guha Roy, Adv.

...for the victim girl.

Mr. Aditi Shankar Chakraborty, Ld. APP,
Mr. Subhasish Misra, Adv.

...for the State.

The prosecution case is that the petitioner forcibly took away the victim girl from her parental house. The allegations are under Sections 363/365/34 of the Indian Penal Code, 1860, read with Section 6 of the Protection of Children from Sexual Offences Act, 2012.

The petitioner says that there was a love affair between him and the victim girl who was 17 years of age at the time of the incident

We have seen the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure, 1973. She

clearly states that she insisted on running away with the petitioner and the petitioner did not want to take her. The girl has appeared before us today through her learned Advocate Mr. Sandip Guha Roy. We are told that the girl is now living in the house of the petitioner.

In the aforesaid facts and circumstances and considering the fact that charge-sheet has already been submitted after completion of investigation, we are of the view that this application may be allowed.

Accordingly, we direct that the petitioner, namely, **Maksud Ansari @ Rehan Ansari @ Lalu** shall be released on bail upon furnishing a bond of Rs. 10,000/- with two registered sureties of like amount each, to the satisfaction of learned Additional Sessions Judge under POCSO Act, Mekhliganj, Cooch Behar, on condition that the petitioner shall appear before the trial Court on every date of hearing and shall meet the Officer-in-Charge of the Police Station within the jurisdiction of which he resides once every fortnight until further orders and shall not leave the district without leave of the Officer-in-Charge. The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever and on further condition that the petitioner shall not commit any cognizable offence in future.

In the event the petitioner fails to adhere to any of the conditions stipulated above without justifiable cause, the trial

Court shall be at liberty to cancel the petitioner's bail in accordance with law without further reference to this Court.

The application for bail being CRM (DB) 268 of 2023 is, accordingly allowed and disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)