

49. 07.07.2023
Court
No.1 Tanmoy Ghosh

Allowed

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

CRM (A) 504 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973, in connection with **Ghoksadanga Police Station Case No. 289 of 2023** dated **09/05/2023** under Sections **341/323/506** of the Indian Penal Code, 1860 read with Sections **8/17** of the POCSO Act, 2012. POCSO Case No. 43 of 2023.

And

In the matter of: - **Amit Mitra**

...petitioner.

Mr. Hillol Saha Podder, Adv.,
Ms. Mousumi Das, Adv.

...for the petitioner.

Mr. Abhijit Sarkar, Adv.,
Ms. Sukanya Ahikary, Adv.

...for the State.

Heard learned Advocate for the petitioner as well as learned Advocate for the State at length.

It is contended that on behalf of the petitioner that the allegation as made out in the FIR is out and out false and the present accused/petitioner has been falsely implicated in this case.

Learned Advocate for the State, however, opposes the prayer for bail.

We have perused the entire material in the case diary including the statement of the victim recorded under Section

164 of the Code of Criminal Procedure, 1973. It appears from such statement that the present accused/petitioner is in the habit of eve-teasing the minor daughter of the *de facto* complainant.

Considering the entire material in the case diary, we do not find that this is a fit case for custodial interrogation and accordingly we are inclined to allow the prayer for anticipatory bail with some stringent conditions.

Accordingly, in the event of arrest, the petitioner, namely, **Amit Mitra**, 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 the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973, until further orders and on further condition that the petitioner shall meet the Investigating Officer of this case twice daily for the next one month and thereafter once in a week till submission in Final Form unless such conditions are relaxed by the learned Special Judge (under POCSO Act), Mathabanga, Cooch Behar.

It is further ORDERED that in the event the present accused/petitioner disturbs the victim girl and/or her family members in any way, the learned trial Court will be at liberty to cancel his anticipatory bail as granted by us.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned

Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM (A) 504 of 2023 is thus disposed of.

(Arijit Banerjee, J.)

(Partha Sarathi Sen, J.)