

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

24.08.2023
Court No.1
(AK 45)

CRM(A) 635 of 2023

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Mathabhanga Police Station Case No. 99 of 2023 dated 22.02.2023 under Sections 6/17 of the POCSO Act, 2012 read with Sections 325/307/506/34 of the IPC, 1860.

And

In the matter of: **Uttam Das**

.**Petitioner.**

Ms. Suman Sehanabis (Mandal)
Mr. Salok Sah

...For the Petitioner.

Mr. Ujjwal Luksom
Mr. Chattu Roy

... For the State.

The victim girl was seventeen years of age at the time of commission of the alleged offence. The victim girl was married to a third person and later on returned to her matrimonial home. The main ground that the primary ground taken on behalf of the petitioner is that the de-facto complainant failed to disclose the vital fact of the victim being married to one Mrinal Kanti Biswas after being in a physical relationship with the petitioner.

Learned counsel appearing for the prosecution submits that the victim girl was subsequently forced to leave her matrimonial home. Counsel submits that the petitioner before the court refused to marry the victim girl after being in a physical relationship with the victim girl for a considerable length of time.

Considering the nature of the alleged offence and the fact that the victim girl had to suffer the consequences of the alleged offence, we are of the

view that the apparent failure to disclose the fact of marriage by the de-facto complainant is not a factor which would persuade us to grant the prayer for anticipatory bail.

We note the submission made on behalf of the petitioner that the petitioner did not have any physical relation with the victim girl at any point of time.

Considering all the facts and circumstances, we are unable to allow the prayer for anticipatory bail.

The application for anticipatory bail being CRM(A) 635 of 2023 is accordingly rejected and disposed of for the above reasons.

(PRASENJIT BISWAS, J.)

(MOUSHUMI BHATTACHARYA, J.)