

31.08.2023
Item no.14
Court No.01
P.P./S.D.

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

CRM (A) 711 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : Amar Sutradhar @ Manik

.... Petitioner

Mr. Hillol Saha Podder
Ms. Mousumi Das

....for the petitioner

Mr. Subhasish Misra

..... for the State

Apprehending arrest in connection with Mathabhanga Police Station Case No.197 of 2023 dated 18.04.2023 under Sections 363/365 of the Indian Penal Code, 1860 adding Section 6/17 of the POCSO Act, 2012, the present application has been preferred.

Mr. Saha Podder, learned advocate appearing for the petitioner submits that the petitioner is 21 years of age and the victim girl is aged about 16 years. They had a love relationship. The petitioner has been falsely implicated and the allegations levelled are absolutely unfounded. In the said conspectus, custodial interrogation of the petitioner may not be necessary and he may be granted anticipatory bail on any stringent condition.

Mr. Misra, learned advocate appearing for the State, submits that investigation is still continuing and there are incriminating materials in the case diary against the petitioner. As such his prayer needs to be refused.

We have heard the learned advocates appearing for the respective parties and considered the materials in the case diary, particularly the statement of the victim girl, as recorded under Section 164 of the Cr.P.C. In the sequence of facts, *prima facie*, it cannot be ruled out that the petitioner and the victim girl had a consensual relationship. In view thereof, we are of the opinion that custodial interrogation of the petitioner may not be necessary.

Accordingly, we allow the prayer for anticipatory bail of the petitioner.

We direct that in the event of arrest, the petitioner namely, **Amar Sutradhar @ Manik** be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 with a further condition that he shall meet with the Officer-in-Charge of Mathabhanga Police Station once a week till investigation is completed. He shall also not enter into the vicinity of the victim girl's house.

It is further directed that the petitioner shall not tamper with the evidence or intimidate the witnesses.

The application for anticipatory bail CRM (A) 711 of 2023 is disposed of.

All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Lapita Banerji, J.)

(Tapabrata Chakraborty, J.)