

AD-24
Ct No.01
Jalpaiguri
14.09.2023
SP

**Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 724 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 30.08.2023 in connection with Mekhliganj Police Station Case No. 15 of 2023 dated 11.01.2023 pending before the Learned Additional Session Judge, Mekhliganj, Coochbehar, (Special Court under POCSO Act, 2012) Coochbehar, under Section 363/365/109 of Indian Penal Code, 1860.

And

In the matter of: SAGAR BARMAN

.... petitioner

Mr. Bikash Singha

... for the petitioner

Mr. Ujjwal Luksom
Mr. Sagnik Sankar Sikdar

... for the State

1. The petitioner is 19 years old. That apart, his name did not find place in the statement under Section 164 of the CrPC but was charge-sheeted apparently on the basis of the statements under Section 161 CrPC. The prayer for anticipatory bail is opposed by the State. However, keeping in view the fact that the petitioner is only about 19 years of age and there is an indication from the records that there might have been a love affair between the petitioner and the victim, we are inclined to grant anticipatory bail to the petitioner.

2. Accordingly, CRM (A) 724 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the stipulations in Section 438(2) of the Code of Criminal Procedure.
3. In the event of arrest, the petitioner shall be released on furnishing bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the Learned Additional Session Judge, Mekhliganj, Coochbehar, (Special Court under POCSO Act, 2012) and on further condition that the petitioner shall make himself available as and when require for investigation and shall meet the Investigating Officer once a month.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)