

JPD-46  
Ct No.01  
14.09.2023  
TN

Calcutta High Court  
In The Circuit Bench at Jalpaiguri  
Appellate Jurisdiction

CRM (A) 754 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 06.09.2023 in connection with Mathabhanga Police Station Case No. 280 of 2023 dated 02.06.2023 under Section 12 of the Protection of Children from Sexual Offences Act, 2012 and corresponding to POCSO Case No. 40 of 2023.

And

In the matter of: Dhananjay Malakar @ Dhononjoy Malakar  
.... petitioner

Mr. Sandip Guha Roy  
... for the petitioner

Mr. Aditi Shankar Chakraborty,  
Mr. Sagnik Sankar Sikdar  
... for the State

Mr. Partha Pratim Sarkar  
... for the *de facto* complainant

1. The petitioner seeks anticipatory bail. The petitioner is 19 years old and the alleged victim is 17 years of age.
2. Learned counsel for the *de facto* complainant does not oppose the prayer for anticipatory bail.
3. Although the State opposes the prayer for anticipatory bail, we are inclined to grant the petitioner anticipatory bail since prior romantic affair cannot be ruled out between the parties and keeping in view the youth of the petitioner. Moreover, the age of the alleged victim borders on majority.

4. Accordingly, CRM (A) 754 of 2023 is allowed, thereby granting anticipatory bail to the petitioner on condition that the petitioner shall comply with the stipulations under Section 438(2) of the Code of Criminal Procedure.
5. In the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs. 1,000/-, with one surety who must be local, to the satisfaction of the learned Judge, Special Court (POCSO Act)-cum-Additional Sessions Judge, Mathabhanga and further that the petitioner shall cooperate with the investigation as and when so required.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)