

D/L. 53.
September 14, 2023
MNS

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (A) 761 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 08.09.2023 in connection with Sahebganj Police Station Case No. 178 of 2023 dated 24.05.2023 under Sections 363/365 of the Indian Penal Code, 1860 read with Section 6 of POCSO Act, 2012.

And

In the matter of: Mithun Das and another

.... petitioners

Mr. Surajit Basu,
Mr. Ratan Chandra Roy

... for the petitioners

Mr. Sourav Ganguly,
Mr. Kallol Nag

... for the State

1. Learned counsel for the petitioners submits that the petitioners are relatives/friends of the principal accused.
2. It is argued that there is gross discrepancy between the complaint lodged by the de facto complainant, which is the genesis of the FIR, and the version of the alleged victim under Section 164 of the Code of Criminal Procedure.
3. Moreover, the elder brother of the principal accused has already been enlarged on bail.
4. Learned counsel for the State opposes the prayer for anticipatory bail and places reliance on the serious allegation made in the statement under Section 164 of the Code of Criminal Procedure.

5. Although the nature of allegations made in the statement of the victim are of a serious nature, keeping in view the fact that the elder brother of the principal accused has already been enlarged on bail and that the petitioners' involvement is indirect in the alleged offence under the POCSO Act, we are inclined to grant anticipatory bail to the petitioners on certain conditions.
6. Accordingly, CRM (A) 761 of 2023 is allowed, thereby granting anticipatory bail to the petitioners on condition that the petitioners shall satisfy the stipulations in Section 438(2) of the Code of Criminal Procedure.
7. In the event of arrest, the petitioners shall be released on bail upon furnishing bond of Rs.10,000/- each, with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Judge Special Court under POCSO Act, Dinhata.
8. Further, the petitioners shall report to the Investigating Officer once a fortnight and shall not leave the territorial jurisdiction of the jurisdictional court throughout the period of investigation.
9. Also, it is made clear that the petitioners shall not try to establish any contact with the victim girl and/or actually contact the victim girl throughout the period of investigation.

(Sabyasachi Bhattacharyya, J.)

(Uday Kumar, J.)