AD-209
Ct No.01
Jalpaiguri
30.01.2023
TN

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (A) 725 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Mathabhanga Police Station Case No. 263 of 2022 dated 18.05.2022 under Sections 363/366(A) IPC, adding Section 6 of the POCSO Act.

And

In the matter of: Ratan Barman

.... petitioner

Mr. Anshu Narayan Sarker,
Mr. Satyaki Basu

... for the petitioner

Mr. Aditi Sankar Chakraborty,
Mr. Sagnik Sankar Sikdar

... for the State

Learned counsel for the petitioner argues that the allegations against the petitioner were not of the nature as contemplated under Section 6 of the POCSO Act, unlike the other co-accused person who is at present in jail.

It is submitted by learned counsel for the State on the basis of the statement of the victim under Section 164 of the Code of Criminal Procedure that the specific allegation against the petitioner was that the petitioner was actively involved in taking the victim away for the purpose of commission of crime by the co-accused.

In such view of the matter, it would not be appropriate, in the opinion of this court, to grant anticipatory bail to the petitioner at this stage.

Moreover, learned counsel for the State also alleges that the petitioner is absconding, which allegation is controverted by learned counsel for the petitioner.

Be that as it may, there is no scope of grant of anticipatory bail at this stage.

Accordingly, CRM (A) 725 of 2022 is disposed of without granting anticipatory bail at this stage.

However, the petitioner will be at liberty to surrender and approach the appropriate court for obtaining bail on similar grounds. If so approached, the said court shall decide such issue independently without being influenced in any manner on merits by any of the observations made herein.

(Sabyasachi Bhattacharyya, J.)

(Rai Chattopadhyay, J.)