

20.11.2023

Serial no.43

Court No.1

(CHC)

(Allowed)

Calcutta High Court
In The Circuit Bench at Jalpaiguri
Appellate Side

CRM (A) 893 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bagdogara** Police Station Case No. **418** of **2023** dated **24.08.2023** under Sections **341/354D/506** of the Indian Penal Code read with Section **12** of the Protection of Children From Sexual Offences (POCSO) Act, 2012.

And

In Re : Niraj Mallick alias Anshu Mallick

..... petitioner

Mr. Gobinda Ghosh, Advocate
....for the petitioner

Mr. Tapan Bhattacharjee, Advocate
Mr. Sagnick Sankar Sikdar, Advocate
....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, there was a relationship between the petitioner the victim. The father of the victim was not inclined to the relationship and, therefore, the police complaint.

We perused the statement of the victim recorded under Section 164 of the Criminal Procedure Code. We also perused

the statement recorded under Section 161 of the Criminal Procedure Code of a neighbour.

Allegation is one of attempt.

We are informed that, petitioner is 18 years of age and is a student.

Considering the age of the petitioner, it would be inimical to his mental health if he is taken into custody.

Considering the materials in the Case Diary and the age of the petitioner, we deem it appropriate to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall report before the Investigating Officer once in a fortnight till the conclusion of investigation and on condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)