

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

05.12.2023.
5/tkm

C.R.M. (A) 931 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Ghoksadanga P.S case no. 484 of 2023 dated 30.9.2023 under section 6 of the POCSO Act.

and

In Re : Susanta Mandal @ Mondal ... petitioner

Mr. S Kar

..... for the petitioner

Mr. Aditi Shankar Chakraborty, Id. A.P.P.

..... for the State

1. Petitioner submits allegation of penetrative sexual assault on the minor boy is false. He prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. We have considered the materials on record. Minor victim is aged about four years. Due to his tender age he was unable to make statement before the Magistrate. But his mother stated that he was taken by the petitioner to his residence. Thereafter he felt pain and discomfort. He also stated that the petitioner had violated him. Medical report also shows injury on the minor.
4. In view of the aforesaid incriminating materials and as investigation is in progress we are of the opinion gravity of the offence and the requirement of custodial interrogation dissuade us to grant anticipatory bail to the petitioner.
5. Accordingly prayer for anticipatory bail is rejected.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)