

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

05.12.2023.
7/tkm

C.R.M. (A) 942 of 2023

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Sitalkuchi P.S case no. 297 of 2023 dated 18.9.2023 under section 6/17/18 of the POCSO Act.

and

In Re : Anamul Mia @ Emanul Mia. ... petitioner

Mr. Arijit Ghosh

..... for the petitioner

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

Mr. Biswarup Roy

..... for the State

1. Petitioner submits he is the private tutor of the minor. He had reprimanded the minor as she was not paying attention to her studies. Thereafter he was blackmailed and money was demanded. Since he refused to pay, he has been falsely implicated. 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. Statement of the minor unequivocally implicates the petitioner in the offence of penetrative sexual assault. Petitioner is a tutor and had fiduciary control over the minor. Defence plea of false implication on the score of blackmail appears to be tenuous and is not supported by materials collected during investigation. No independent evidence in support of such plea is placed before us.

4. Under such circumstances and in view of the gravity of offence, we are not inclined to grant bail to the petitioner.

5. Accordingly prayer for anticipatory bail is rejected.

(Apurba Sinha Ray,J.)

(Joymalya Bagchi, J.)