

15.12.2023

Sl. No.18

akd

[ALLOWED]

**IN THE HIGH COURT AT CALCUTTA**

**Circuit Bench at Jalpaiguri**

**C. R. M. (A) 972 of 2023**

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 10.10.2023 in connection with Mathabhanga Police Station Case No. 509 of 2023 dated 20.09.2023 under Section 354D of the Indian Penal Code read with Section 12 of the POCSO Act.

And

In Re: ***Safikul Mia @ Kayal @ Chhamidul Mia***

... .. Petitioner

Mr. Hillol Saha Podder

... .. for the petitioner

Mr. Aniruddha Biswas

... .. for the victim

Mr. Abhijit Sarkar

Mr. Arjun Chowdhury

... .. for the State

1. It is submitted on behalf of the petitioner that the allegations are false and custodial interrogation is not necessary. Accordingly, he prays for anticipatory bail.
2. Learned Advocate for the State opposes the prayer for anticipatory bail.
3. Mr. Aniruddha Biswas, learned Advocate empanelled with the High Court Legal Services Committee appears for the victim girl. Secretary, High Court Legal Services Committee is directed to regularize his appointment.
4. Mr. Biswas also opposes the prayer for anticipatory bail.
5. We have considered the materials on record. Keeping in mind the nature of allegations, we are of the opinion though custodial interrogation of the accused/petitioner may not be necessary, his

movement requires to be restricted in order to prevent commission of similar offences in future.

6. Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Safikul Mia @ Kayal @ Chhamidul Mia***, 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 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, while on bail, shall not enter Mathabhanga Police Station and shall meet the Officer-in-charge, Khalisamari Police Station once in a week until further orders. He shall appear before the court below and pray for regular bail within four weeks from date.
7. The application for anticipatory bail is, thus, disposed of.

**(Apurba Sinha Ray, J.)**

**(Joymalya Bagchi, J.)**