

11.09.2024

Court No.29

Item No. 25

Rejected

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CRM (A) 3230 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Malda Police Station Case No. 273 of 2024 dated 03.05.2024 corresponding to POCSO Case No. 79 of 2024 under Sections 363/365/34 read with Sections 4/17 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re: **Jharna Mandal**

Petitioner

Mr. Sayan De

Mr. Sayan Kanjilal

For the Petitioner

Ms. Faria Hossain

Ms. Debjani Dasgupta

For the State

Mr. Sourav Mondal

For the De-facto Complainant

1. Heard the learned counsel for the parties.
2. In this application renewal of prayer for anticipatory bail is made.
3. Learned counsel for the petitioner submits that on the earlier occasion this Court has proceeded on the basis that the principal accused is in custody and has failed to take into consideration that the principal accused was enlarged on bail on 28.6.2024 by the learned Special Court after taking into consideration that the V.G and her mother have submitted that the marriage settlement is going on in between the victim girl and the accused person. It is further submitted that when the principal accused was enlarged on bail there was no reason for the petitioner to be denied for anticipatory bail.
4. At first when we are reconsidering the matter, as evidently and honestly, we have not taken such fact into consideration. However, on rereading of

the statement of the victim recorded under Section 164 Cr.P.C, considering the role of the present petitioner, we are not inclined to grant anticipatory bail to the petitioner.

5. Accordingly, the prayer for anticipatory bail of the petitioner is rejected and the same is accordingly disposed of.
6. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Prasenjit Biswas, J)