

25.04.2024
21 & 22
Ct. No. 29
S.D.

C.R.M.(A) 4305 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Watgunge** Police Station Case No. **05** dated **13.01.2023** under Sections **376/307** of the Indian Penal Code read with Section **6** of POCSO Act.

With

C.R.M.(A) 4508 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **South Port P.S.** Case No. **1134** dated **18.12.2022** under Sections **184/129/130(1)/39/192/177** of the M.V. Act.

And

In the matter of: Md. Adil

.....petitioner

Mr. Gunjan Kumar Singh

Mr. Kaushal Kumar

Mr. Deb Pratim Lodh

...for the petitioner

Mr. Rudradipta Nandy, A.P.P.,

Mr. Iqbal Kabir

.... For the State in C.R.M.(A) 4305 of 2023

Mr. Avishek Sinha

...for the State in C.R.M.(A) 4508 of 2023

Mr. Anirban Mitra

...for the defacto complainant

Two applications are taken up analogously as both are at the behest of a juvenile.

A Coordinate Bench held that an application for anticipatory bail at the behest of a juvenile is not maintainable in C.R.M. 2739 of 2021 by a judgment and order dated January 20, 2022.

The issue is pending before the larger Bench as will appear from August 23, 2023 passed in C.R.M. 2739 of 2021. The issue is also pending before the Hon'ble Supreme Court in Special Leave to Appeal (Criminal) No. 1269 of 2023 dated October 9, 2023.

In view of the judgment and order dated January 20, 2022 passed by the Coordinate Bench in C.R.M. 2739 of 2021 which is binding upon us, we find the two applications to be not maintainable.

Accordingly, C.R.M.(A) 4305 of 2023 and C.R.M.(A) 4508 of 2023 are disposed of as not maintainable.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)