

30.01.2024
(D/L 98)
Ct. No.1
(Allowed)
(SKB)

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

C.R.M.(A) 69 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Tufanganj P. S. Case No.671 of 2023 dated 02.08.2023 under Section 6 of the POCSO Act.

In the matter of : Joynal Abedin

... Petitioner

Mr. Hillol Saha Podder

... for the petitioner

Mr. Aditi Shankar chakraborty, ld. APP

Mr. Aniruddha Biswas

... for the State

1. Heard learned Counsel for the parties.
2. Learned counsel for the State objects to release of the petitioner on anticipatory bail on the ground that the offence alleged is very serious.
3. Perused the statement of the victim recorded under Section 164 Cr.P.C. wherein the victim has not alleged anything regarding penetrative sexual assault so that the allegation may constitute an offence under Section 12 of the POCSO Act read with Section 354 Cr.P.C. at least, *prima facie*.
4. Regard being had to the facts and submission, factum of permanent residence of the petitioner, nature of allegation, nature of offence and substantial progress in investigation, it is directed that the petitioner shall be

released on bail by the Arresting Officer in the event of his arrest arising out of the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions:

- i) Petitioner is directed to appear before the IO once in a week on the day and time fixed by the IO for the purpose of investigation till submission of Final Form.
- ii) Petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.

- 5. Within 21 days from today, petitioner is directed to appear before the IO along with server copy or certified copy of this order.
- 6. Accordingly, the prayer for the anticipatory bail is allowed.
- 7. The applications being CRM(A) 69 of 2024 is disposed of.
- 8. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)