

31.01.2024
(D/L 23)
Ct. No.1
(Allowed)
(SKB)

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

C.R.M.(A) 87 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Sahebganj P. S. Case No.407 of 2023 dated 29.09.2023 under Sections 363/365 of the Indian Penal Code read with Section 6 of the POCSO Act.

In the matter of : Rahul Haque @ Hoque

... Petitioner

Mr. Partha Pratim Sarkar,
Mr. Sudip Guha,
Mr. Sandip Guha Roy

... for the petitioner

Mr. Aditi Shankar Chakraborty, ld. APP
Mr. Ujjwal Luksom,
Mr. Sagnik Sankar Sikdar

... for the State

1. Heard learned counsel for the parties.
2. Learned counsel for the State opposes the prayer for anticipatory bail.
3. The petitioner is stated to be an young adult aged about 21 years old. The victim is an adolescence, aged about 15/16 years old. There was romantic relationship between them. They fled to Nepal and there they got married. After such marriage, they entered into physical relationship. After some days of marriage as found from the statement of the victim recorded under Section 164 Cr.P.C., the petitioner started assaulting the victim for which, she left the matrimonial home.
4. Investigation is stated to have progressed substantially.
5. Regard being had to the facts and submission, factum of permanent residence of the petitioner, his tender age and

possibility of reform in him and substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the aforesaid P.S. case corresponding to POCSO Case No.28 of 2023 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.
6. Within 21 days from today, petitioner is directed to appear before the IO along with server copy or certified copy of this order.
 7. Accordingly, the prayer for the anticipatory bail is allowed.
 8. The applications being CRM(A) 87 of 2024 is disposed of.
 9. 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.)