

01.02.2024
(D/L 7)
Ct. No.1
(Allowed)
(SKB)

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

C.R.M.(A) 97 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Pundibari P. S. Case No.445 of 2023 dated 05.07.2023 under Sections 341/506 of the Indian Penal Code read with Section 12 of the POCSO Act in POCSO Case No.18 of 2023.

In the matter of : Maminur Miah @ Fayej

... Petitioner

Mr. Hillol Saha Podder

... for the petitioner

Mr. Nilay Chakraborty,
Mr. Dhiman Sil

... for the State

1. Heard learned Counsel for the parties.
2. The petitioner is a young adult aged about 20 years old and the victim is stated to be 13 years old. From the statement of the victim recorded under Section 164 Cr.P.C., it is found that the petitioner being in her early youth was somehow influenced by venus and did the misadventure of asking the victim to marry him or else he may abduct her.
3. Charge-sheet of this case has already been filed.
4. Learned counsel for the State objects the prayer of the petitioner for anticipatory bail on the ground that such action of the petitioner has resulted in a mental trauma to the victim.
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, nature of allegation and completion of investigation, it is directed that the

petitioner shall surrender before the learned Spl. Court (under POCSO Act), Cooch Behar within 15 days from today in the POCSO Case No.18 of 2023 arising out of the aforesaid P.S. case.

6. On his appearance and application for bail, he shall be released on bail by the aforesaid court on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions:
 - i) The petitioner during the currency of this order shall not keep any contact with the victim girl or any of her family members.
 - ii) The petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.
 - iii) The petitioner shall not visit any area within 200 meter periphery of the school where the victim is reading.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The applications being CRM(A) 97 of 2024 is disposed of.
9. The learned court below is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)