

**CIRCUIT BENCH OF CALCUTTA HIGH COURT
AT JALPAIGURI**

07.03.2024

Court No.1
Item.129
(Srimanta)

CRM(A) 153 OF 2024

In Re: An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure, 1973 filed in connection with Sitalkuchi Police Station Case No. 297/2023 dated 18.09.2023 under Sections 6/17/18 of the POCSO Act.

And

In the matter of: **Enamul Mia.**

. . .Petitioner.

Mr. Subhasish Misra,
Mr. Swarup Das,
Mr. Satyajit Paul

... For the petitioner.

Mr. Sagnik Sankar Sikdar

...For the State.

1. This is a second application for anticipatory bail. The first application was rejected on 5th December, 2023. Charge-sheet was filed after the rejection and the alleged offence was watered down only to Section 8 and 17 of the POCSO Act, 2012. Section 6, i.e., punishment for aggravated penetrative sexual assault was deleted from the charge-sheet which was filed after 5th December, 2023.

2. After considering the 164 statement in the Case Diary, we are inclined to allow the prayer for anticipatory bail as custodial interrogation is not required.
3. We accordingly direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of who must be local, to the satisfaction of the Arresting Officer and also comply with the conditions laid down under Section 438(2) of The Code of Criminal Procedure, 1973. The petitioner shall cooperate with the investigation and make himself available for questioning to the Investigating Officer once in a fortnight until further orders. The petitioner shall also not intimidate any witnesses or tamper with any evidence in any manner whatsoever.
4. The application for anticipatory bail being CRM (A) 153 of 2024 is allowed and disposed of in terms of the above.

(PRASENJIT BISWAS,J.)

(MOUSHUMI BHATTACHARYA,J.)