

25.04.2024
Court No.01
Item No. 07
Allowed

KC

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

CRM (A) 236 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with **Sitalkuchi** Police Station Case No. **398** of **2023** dated **28.11.2023** under Sections 4/17/8 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re: **Abu Taher Miya**

Petitioner

Ms. Suman S. Mondal
Ms. Annesha Chakraborty
Mr. Tathagata Biswas

For the Petitioner

Mr. Aditi Shankar Chakraborty, learned APP
Mr. Sagnik Sankar Sikdar

For the State

1. It is submitted on behalf of the petitioner that the allegation as made out in the First Information Report (FIR) is excessively exaggerated and the present accused petitioner is totally innocent.
2. Learned advocate for the State while opposing the prayer for anticipatory bail drawn our attention to the various materials of the case diary including the statement of the victim as recorded under Section 164 of the Code of Criminal Procedure.
3. On comparative study of the written complaint as alleged of this case and the statement of the victim as recorded under Section 164 of the Code of Criminal Procedure, it appears to us that the allegation as made out in the FIR gets not much support from the statement of the victim as recorded under Section 164 of the Code of Criminal Procedure.

4. In view of such, we are of the considered view that the present accused petitioner is successful in making out a favourable order and accordingly, we are inclined to grant anticipatory bail to the present accused petitioner.
5. Accordingly, we direct that in the event of arrest, the petitioner namely **Abu Taher Miya** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two registered sureties of like amount each, subject to the satisfaction of the Arresting Officer and with a further condition that the present accused petitioner shall comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. It is further ordered that the present petitioner shall meet the Investigating Officer twice in a week till completion of the investigation unless he has been exempted from appearing by the concerned learned Trial Court. It is further ordered that the present accused petitioner shall not enter the village where the victim girl resides till submission of the final report.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
7. **CRM (A) 236 of 2024** is, thus, disposed of.
9. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Partha Sarathi Sen, J)