

22.04.2024
SL No.197
Court No.1
(gc)
(Allowed)

***Circuit Bench of Calcutta High Court
At Jalpaiguri***

CRM (A) 300 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Haldibari Police Station Case No.13 of 2024, dated 18.01.2024 under Section 8 of the POCSO Act and Section 323/325/506/34 of the Indian Penal Code corresponding to POCSO Case No.01/2024.

And

In the matter of : **Uttam Barman**

- Petitioner.

Mr. Kunaljit Bhattacharjee,
Mr. Alok Sah,
Mr. Satyam Sarkar

... For the Petitioner.

Mr. Nilay Chakraborty, Ld. A.P.P.,
Mr. Tapan Bhattacharjee

... For the State.

1. It is submitted that the present accused petitioner has been falsely implicated in this case.
2. The learned Counsel for the State, however, opposes the prayer for anticipatory bail.
3. On perusal of the entire materials of the case diary it reveals that the statement of the victim girl has been recorded under Section 164 of the Cr.P.C. wherefrom we find no material to attract Section 8 of the POCSO Act at least prima facie.

4. Regard being had to the facts and circumstances as discussed (supra), we are, thus, inclined to grant anticipatory bail to the petitioner.
5. Accordingly, we direct that in the event of arrest, the present accused/petitioner, namely, **Uttam Barman**, be released on bail upon furnishing a bond of Rs.2,000/- each, with one registered surety of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further directed that the present accused petitioner shall meet the Investigating Officer of this case as and when called for till submission of the final report.
6. The application for anticipatory bail is, thus, disposed of.
7. 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.)