

19.06.2024
(D/L 32)
Ct. No.1
(Allowed)
(SKB)

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

C.R.M.(A) 445 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Dinhata Women P. S. Case No.30 of 2024 dated 18.03.2024 under Sections 341//307/506/509/34 of the Indian Penal Code read with Section 8 of the POCSO Act corresponding to POCSO Case No.18 of 2024.

In the matter of : Kartik Barman

... Petitioner

Mr. Satyajit Paul

... for the petitioner

Mr. Abhijit Sarkar,
Mr. Sagnik Shankar Sikder

... for the State

1. Heard learned counsel for the petitioners and the learned State counsel.
2. The petitioner is the father of the accused no.1 who was quarrelling with the daughter of the complainant over a dispute regarding plucking of potatoes from the field. It is alleged that when the petitioner reached the place of occurrence he has assaulted the complainant's daughter and while doing so has committed the offence Under Section 8 of the Protection of Children from Sexual Offences (POCSO) Act.
3. The learned counsel for the petitioner submits that bare reading of the FIR manifests that it is a false case arising out of a trivial dispute between the parties over the plucking of potatoes.

4. The injury report collected in the investigation also does not support any allegation of assault as alleged.
5. Learned counsel for the State, on the other hand, opposes the prayer for bail.
6. Considering the rival submissions, the nature of allegations, the injury report as also the clean antecedent of the petitioner, we are inclined to allow the prayer for anticipatory bail.
7. Accordingly, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of their arrest in the POCSO Case No.18 of 2024 arising out of the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case including the conditions that the petitioner shall cooperate in the investigation as and when required. The petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order. Petitioner is directed to appear before the IO once in a fortnight on the day and time fixed by the IO for the purpose of investigation till submission of the charge-sheet.
8. Accordingly, the prayer for the anticipatory bail is allowed.
9. Within 15 days from today petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.

10. The application being CRM(A) 445 of 2024 is disposed of.
11. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Madhuresh Prasad, J.)

(Partha Sarathi Chatterjee, J.)