

AD-29
Ct No.01
Jalpaiguri
12.08.2024
sp

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Side**

CRM (A) 521 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973/ Section 482 of the Bharatia Nagrik Suraksha Sanhita, 2023 filed on 15.07.2024 in connection with Kharibari Police Station Case No. 294/2022 dated 06.09.2022 under Sections 448/354/376/511 of the Indian Penal Code read with Section 8/18, 4/18 of the POCSO Act.

And

In the matter of: Chandan Mandal

.... petitioner

Mr. Ujjal Ray,
Ms. Sutapa Sen Paul

... for the petitioner

Mr. Kallol Acharjee,
Mr. Aniruddha Biswas

... for the State

1. Mr. Ujjal Ray, learned counsel for the petitioner seeks anticipatory bail after two earlier rejections. The last rejection was on 20th May, 2024. The charge sheet in the matter was filed on 22nd January, 2023. Mr. Rai, would argue before this Court that the petitioner/accused no. 1 was denied anticipatory bail earlier by this Court since there was allegations under POCSO against him.
2. According to Mr. Ray, in the charge sheet which has been filed in the interregnum, his client is not accused under the POCSO Act.

3. The records, however, reveal that there was a rejection of anticipatory bail was after filing of the charge sheet.
4. Be that as it may, this Court finds from the statements to the witnesses and one of the complainants who is admittedly a major and the allegation against the petitioner is rather serious. In addition thereto, the petitioner has never cooperated in the investigation has been continuously absconding.
5. In the above circumstances, this Court is not inclined to grant anticipatory bail to the petitioner.
6. Hence, CRM (A) 521 of 2024 is, thus, dismissed.
7. Let the Case Diary be returned.
8. All the parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Ajay Kumar Gupta, J.)

(Rajasekhar Mantha, J.)