

29.11.2024
Item No.49
Court No.1
(GB)
(Rejected)

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

CRM (A) 854 of 2024

In Re: - An application for anticipatory bail under section 438 of the Code of Criminal Procedure, 1973/Section 482 of the B.N.S.S. 2023, in connection with **Phansidewa** Police Station Case No.**282 of 2024** dated **22.07.2024** under Section 8 of POCSO Act, 2012.

And

In the matter of: **Mintu Mandal**

....Petitioner.

Ms. Pratusha Dutta Chowdhury

...for the Petitioner.

Mr. Kallol Acharjee,
Mr. Sanjiv Das

... for the State.

1. The petitioner is a teacher and the victim is a student. The allegation is that a primary school going boy was sexually assaulted by the petitioner. The petitioner prays for anticipatory bail on the ground that the child retaliated to a scolding which he received from the petitioner six days prior to the lodging of the FIR. A question has also been raised as to why the police authorities had not issued a notice under Section 41A of the Code of Criminal Procedure.
2. The learned advocate for the State has handed over the case diary. He refers to the statement of the witnesses under Sections 161 and 164 of the Code of Criminal Procedure corresponding to Section 180 and 183 of the B.N.S.S. respectively.
3. We have considered the statements of the victim and the witnesses. All such statements corroborate with the prosecution case. Hence, we are not inclined to grant anticipatory bail. Accordingly, the anticipatory bail is rejected.

4. The application for anticipatory bail, being CRM (A) 854 of 2024 is, thus, disposed of.
5. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Shampa Sarkar, J.)

(Partha Sarathi Chatterjee, J.)