

29. 08.04.2025
Court
No.1 (Tanmoy)

Allowed

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

CRM (A) 200 of 2025

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 / Section 482 of Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Mathabhanga Police Station Case No. 189/2023** dated **14/4/2023** under Sections **363/365** of the Indian Penal Code read with Sections **6/17** of POCSO Act, 2012. POCSO Case No. 30/2023.

And

In the matter of: - **Prasenjit Barman**

...petitioner.

Mr. Suman Sehanabis
Ms. Anwasha Chakraborty

...for the petitioner.

Mr. Nilay Chakraborty, APP
Mr. Abhijit Sarkar
Ms. Sukanya Adhikary

...for the State.

1. Service report filed by the State be kept with the records.
2. In spite of service, nobody appears for the *de facto* complainant/victim.
3. The petitioner says that there was a love affair between him and the victim girl. He is about 20 years of age. At the time of the incident, the victim girl was about 17 and half years old. They are neighbours. The victim girl ran away with him on her own volition. They had consensual physical relationship. He prays for pre-arrest bail. He says that he will fully co-operate with the Investigating Officer.

4. Learned Advocate for the State draws my attention to the statement of the victim girl recorded under Section 164 of the Criminal Procedure Code, 1973 (corresponding to Section 183 of Bharatiya Nagarik Suraksha Sanhita, 2023). Her statement *prima facie* corroborates the submission made on behalf of the petitioner. Further, I find that the victim girl refused to undergo medical examination.
5. In view of the aforesaid and also considering the age of the petitioner, I am of the opinion that immediate custodial interrogation of the petitioner may not be necessary so long as he fully co-operates with the Investigating Officer.
6. Accordingly, in the event of arrest, the petitioner, namely, **Prasenjit Barman** shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 / Section 482(2) of Bharatiya Nagarik Suraksha Sanhita, 2023, until further orders and on further condition that the petitioner shall appear before the learned Trial Court on each and every date of hearing and shall report to the Investigating Officer of this case, once every fortnight, until further orders. Within seven days from date, the petitioner shall go and meet the Investigating Officer of this case.
7. In case the petitioner fails to adhere to any of the conditions as stipulated above, the learned Court below shall be entitled to

cancel the anticipatory bail without further reference to this Court.

8. The application for anticipatory bail being CRM (A) 200 of 2025 is accordingly disposed of.
9. Criminal Section is directed to make available certified copies of this order to the parties, if applied for, upon compliance with all requisite formalities.

(Arijit Banerjee, J.)