

19.5.2025
SL No.1
Court No.1
(tk)

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

CRM (A) 236 of 2025

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023.

In the matter of : **Nur Alom Mia @Nur Alom Miah,**
...Petitioner.

Mr. A.S. Chakraborty, Id. APP,
Mr. S.S. Sikdar,

...For petitioner.

Mr. S. Das,

...For de facto complainant.

1. The applicant is not represented for the third day today.
2. Learned Additional Public Prosecutor submits that despite the heinousness of the offence charged, feeble attempts have been made by the Investigating Officer to apprehend the accused.
3. The chargesheet bearing chargesheet no.473/2024 has been filed on November 20, 2024, within the timeframe under the POCSO Act.
4. This Court is deeply anguished at the conduct of the Investigating Officer in not taking out proceedings for proclamation and attachment. Mere conducting of raids to apprehend the accused is not sufficient and hence, the provisions for proclamation and attachment have been incorporated both in the CrPC and the BNSS to compel the appearance of the accused.

5. The SP, Coochbehar, shall forthwith, upon receipt of a copy of this order, cause inquiries into the conduct of the Investigating Officers in failing to take out proceedings for proclamation and attachment against the accused.
6. It is expected that an appropriate dragnet is put in place to apprehend the accused and all means of compelling the accused to appear in the proceedings are taken by the Investigating Officers under the direct supervision of the SP, Coochbehar.
7. The SP, Coochbehar, shall also consider initiating appropriate proceedings against the erring Investigating Officers after a due process of inquiry in accordance with the rules.
8. With the aforesaid observations, CRM(A)/236/2025 is disposed of without any order for anticipatory bail.
9. Personal presence of the SI, Sanjib Sarkar, is dispensed with.
10. The Registry shall send a copy of this order to the SP, Coochbehar.

(Rajasekhar Mantha, J.)