

09.01.2025

Item No.14

Ct.No.2

Rakib

**IN THE HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI
CRIMINAL APPELLATE JURISDICTION**

CRA (SB) 32 of 2023

with

CRAN 2 of 2024

In Re: An application for bail in connection with Appeal being CRAN 2 of 2024 under Section 389(2) of the Code of Criminal Procedure, 1973, corresponding to Section 430(2) of the BNSS, 2023.

Anarul Mia @ Anarul Miya

Vs.

The State of West Bengal & Anr.

Mr. Arijit Ghosh.

Ms. Angana Rakshit.

... For the Appellant/Petitioner.

Mr. Aditi Shankar Chakraborty, Ld. APP.

Mr. Biswarup Roy.

... For the State

Petitioner was detained in connection with the instant case and produced before the learned Special Court (Children's Court cum Additional Sessions Judge at Mathabhanga, Cooch Behar) on 17.08.2021 and since then he is in custody. The learned Special Court was pleased to convict the present petitioner under the provision of Section 10 of Protection of Children from Sexual Offences Act, 2012 and sentenced him to suffer five years simple imprisonment and fine of Rs.10,000/-, in default, simple imprisonment for six months.

Learned advocate appearing for the appellant/petitioner has drawn the attention of the Court to

the oral submissions as well as the medical reports. Further the learned advocate has emphasized that for more than three years three months the petitioner is in custody.

Mr. Chakraborty, learned Additional Public Prosecutor appearing on behalf of the State opposes the prayer advanced in the application for bail.

I have considered the factum of sentence imposed by the learned trial Court for a limited period of time, the period of sentence undergone by the appellant/petitioner during the trial as well as during the pendency of the appeal. Having regard to the fact that the appellant/petitioner has already served out more than 38 months in custody, I am of the view that in the background of the punishment so imposed by the learned trial Court, the petitioner should be released on bail on certain stringent conditions.

Accordingly petitioner/appellant viz., **Anarul Mia @ Anarul Miya** shall furnish bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the learned Special Court (Children's Court cum Additional Sessions Judge at Mathabhanga, Cooch Behar)/Chief Judicial Magistrate, Cooch Behar/ACJM, Mathabhanga.

Appellant/petitioner shall also stay outside the jurisdiction of Mathabhanga Police Station and shall once in a fortnight attend the Court where he has furnished the

bond. The concerned jurisdictional Court will maintain a register in respect of the attendance of the present appellant/petitioner and in every three months would submit the report before the High Court in respect of the attendance of the appellant/petitioner.

Accordingly, the application being CRAN 2 of 2024 is allowed.

Department is directed to take steps for preparation of paper books expeditiously, preferably within a period of six weeks from date. The case records be placed before the available Circuit Bench after the paper books are ready.

All concerned parties shall act on the server copy of this order duly downloaded from the official *website* of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

(Tirthankar Ghosh, J.)