

19.11.2020

CRM 8657 of 2020

Court No. 16
Item No. 54
nandy/biswas

(Via Video Conference)

(Anti-Bail – Allowed)

In Re: An application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 14.10.2020 in connection with Dalkhola Police Station Case No. 199 of 2020 dated 01.09.2020 under Sections 341/323 of the Indian Penal Code read with Sections 4/6 of the POCSO Act.

and

In the matter of: **Md. Firoz Alam @ Firoj Alam**

..... Petitioner

Mr. Md. M. Nazar Chowdhury, Advocate

.....for the Petitioner

Mr. S.S. Imam, Advocate

Mr. Subroto Roy, Advocate

.....for the State

The petitioner undertakes to affirm and stamp the petition as per the Rules within one week of resumption of the normal functioning of the court. The petition is taken up through video conference on the basis of such undertaking.

The petitioner claims that there was nothing forcible in the relationship between the petitioner and the alleged survivor and the petitioner has had a relationship lasting a few months with the 17-year-old alleged survivor.

The State refers to the statement of the survivor recorded under Section 164 of the Code of Criminal Procedure. It appears that the survivor was acquainted with the petitioner. It is possible that the relationship may have come to the knowledge of the survivor's parents for the survivor to level charges against the petitioner.

Considering the circumstances, the petitioner need not be arrested immediately. However, the petitioner must not attempt

to make any contact with the survivor till the investigation is completed and, thereupon, till the trial is concluded in the event charges are pressed.

In the event of arrest, the petitioner will be enlarged on bail on furnishing security of Rs.10,000 (Rs. Ten thousand only), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer. The petitioner should abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 8657 of 2020 is disposed of.

(Sanjib Banerjee, J.)

(Hiranmay Bhattacharyya, J.)