

19.11.2020

CRM 8663 of 2020

Court No. 16
Item No. 57
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 Bamongola Police Station Case No. 244 of 2019 dated 17.11.2019 under Section 313 of the Indian Penal Code read with Sections 6/18 of the POCSO Act.

and

In the matter of: **Asoke Barman**

..... Petitioner

Mr. Kazi M. Rahaman, Advocate

.....for the Petitioner

Mr. Tanmoy Kumar Ghosh, Advocate

Mr. Arindam Sen, 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 says that the petitioner had a relationship with the alleged survivor and there was no question of the petitioner forcing himself on her.

The State refers to the statement of the survivor recorded under Section 164 of the Code of Criminal Procedure. It is evident that the petitioner and the de facto complainant were well acquainted. It is also evident that the petitioner suggested to the parents of the de facto complainant that the petitioner marries the de facto complainant, but the parents declined since the de facto complainant had not reached marriageable age.

The statement of the alleged survivor records the

subsequent events, including that she willingly accompanied the petitioner to the petitioner's residence and cohabited with the petitioner.

In the light of such statement of the survivor, there is no question of arresting the petitioner at this stage. However, the petitioner should not attempt to make any contact with the survivor till the investigation is completed.

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 8663 of 2020 and the interim application therein are disposed of.

(Sanjib Banerjee, J.)

(Hiranmay Bhattacharyya, J.)