

22.01.2021
Item No. 1
KB/FB
allowed
Crt.11

C.R.M. 210 of 2020
With
I.A. No. CRAN 1 of 2020
(Old No. CRAN 558 of 2020)
(via video conferencing)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Sitalkuchi Police Station Case No. 101 of 2019 dated 13.04.2019 for alleged offence punishable under Sections 6/17 of the Protection of Children from Sexual Offences Act, 2012
And

In the matter of : Rasidul Mia @ Habibur Mia @
Habibur Rahaman petitioner

Mr. Anirban Banerjee
Mr. Ujjwal Luksom
.....for the petitioner.

Mr. Dilip Roy
... for the defacto complainant.

Mr. S. S. Imam
Mr. Sandip Kundu
....for the State

This matter was assigned to this Bench on 17.01.2020.

On 20.11.2020 after hearing the parties including the learned counsel for the victim girl, a direction was passed that the petitioner shall not be arrested in connection with the present case for a period of eight weeks from that date. The application was made returnable after seven weeks.

Learned counsel appearing on behalf of the petitioner submits as follows. The victim girl was aged about seventeen years at the time of occurrence. In the subsequent statement given by the victim girl before the Learned Magistrate under

Section 164 of the Code, she stated that she was leading a happy conjugal life with the accused/petitioner and her marriage had already been registered. In view of the settlement arrived at between the private parties and considering the fact that the petitioner and the defacto complainant have been staying together as married couple, the application for anticipatory bail of the petitioner ought to be allowed.

Learned counsel appearing on behalf of the defacto complainant/victim girl submits as follows. The victim lady is an adult now. After getting married to the petitioner, she has been leading a happy conjugal life with the petitioner. As such, the petitioner may be granted anticipatory bail in this case.

Learned counsel for the State relies on the Case Diary and submits that there has been no change in circumstance after the subsequent statement of the victim lady was recorded under Section 164 of the Code.

Considering the nature of allegations and the subsequent statement of the victim girl recorded under Section 164 of the Code and in view of the fact that there is no material change in circumstance in the case from the date on which an order was passed not to arrest the petitioner, we are inclined to allow the prayer of the petitioner for anticipatory bail.

Accordingly, in the event of arrest the petitioner shall be released on bail upon furnishing of two sureties of Rs.5,000 (Rupees Five Thousand only) each, one of whom must be local, subject to the satisfaction of the Arresting Officer.

The application for anticipatory bail being CRM 210 of 2020 with CRAN 1 of 2020 (Old No. CRAN 558 of 2020) are thus disposed of.

All concerned parties shall act in terms of the copy of the order downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties on compliance of necessary formalities.

(Jay Sengupta, J.)

(Subrata Talukdar, J.)