

09.04.2021
Court No.28
Item No. 273
Krishnendu
Disposed of

C.R.M. 742 of 2021

(Via video Conference)

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure ;

And

In re: **Jay Debnath @ Joy Debnath**

Petitioner

Mr. Sumanta Chakraborty

For the Petitioner

Mrs. Faria Hossain

Ms. Baisali Basu

For the State

Apprehending arrest in connection with Deganga Police Station Case No. 300 of 2016 dated 04.05.2016 under sections 363/366 of the Indian Penal Code, the petitioner has filed the present application.

The learned advocate for the petitioner submits that although there was a proclamation and attachment issued but the same being stayed, the petitioner has applied for anticipatory bail. The learned advocate further submits that the victim out of her own volition had been to the present petitioner and there was no misrepresentation on behalf of the petitioner or any inducement or deceit by which the victim was allured.

Mrs. Hossain, learned advocate appearing for the State opposes the petitioner's prayer for anticipatory bail and draws the attention of this Court to the statement of the victim recorded under section 164 of the Code of Criminal Procedure.

We have perused the statement of the victim as also the statements of other witnesses. Having regard to the tender age of the victim, we direct the petitioner, namely, Jay Debnath @ Joy Debnath,

to surrender before the jurisdictional Court within a period of four weeks from date. The petitioner shall not be arrested till 10th May, 2021.

If the petitioner surrenders before the jurisdictional Court within the aforesaid period, the said Court would consider his application for regular bail without being influenced by any observations made by this Court.

With the aforesaid observations, the application for anticipatory bail, being CRM No. 742 of 2021, is, thus, disposed of.

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

(Tirthankar Ghosh, J.)

(Soumen Sen, J.)