

30.07.2021
Item no.21.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 1771 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 13.01.2021 in connection with Gaighata Police Station Case No.550 of 2020 Dated 19.09.2020 under Sections 363/366/376 of the Indian Penal Code read with Section 6 of the POCSO Act

And

In the matter of : Rahul Biswas

.....Petitioner.

Mr. M. K. Mukherjeefor the Petitioner.

Mr. P. K. Dutta, Ld. APP,
Mr. Santanu Debroyfor the State.

It is submitted on behalf of the petitioner that there was a love affair between the petitioner and the victim and they voluntarily eloped. They have married subsequently.

The State refers to the case diary and opposes the prayer for anticipatory bail.

Having considered the material on record and the fact that the victim has already married the petitioner, we are inclined to hold that immediate custodial interrogation of the petitioner may not be necessary and he may be granted anticipatory bail.

Accordingly, in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M. No.1771 of 2021 is, thus, allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)