

11.08.2021
Item no.30.
Court No.32.
AB
(Allowed)

(Via Video Conference)

CRM No. 1920 of 2021

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 18.02.2021 in connection with Harishchandrapur Police Station Case No.879 of 2020 Dated 08.12.2020 under Sections 417/376 of the Indian Penal Code read with Section 4 of the POCSO Act

And

In the matter of : Meraj Ali @ Md. Merajun Nabi

.....Petitioner.

Mr. Koustav Bagchi,
Mr. Arup Sarkar,
Mr. Sourav Mukherjee,
Mr. Debayan Ghoshfor the Petitioner.

Mr. P. K. Dutta, Ld. APP,
Mr. Subrata Royfor the State.

The petitioner says that there was an affair between the victim girl, 17 years old and the petitioner. They cohabited on several occasions at the victim's place as also elsewhere. The family had initially agreed to the marriage of the petitioner with the victim girl. Subsequently, the family retracted on such stand. The complaint was lodged after a delay of 10 days by way of an application under Section 156(3) of the Code of Criminal Procedure, 1973.

We have seen the material in the case diary including the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure.

Having considered the overall facts and circumstances of the case and the material on record, although charge sheet is yet to be submitted, we are of the view that immediate custodial interrogation of the petitioner may not be necessary so long as he cooperates with the Investigating Officer.

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.1920 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.)

