

31.08.2021.
42.
As/Sdas
(Allowed)

**C.R.M. 1934 of 2021
(Via Video Conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Baguiati P.S. Case No.158 of 2018 dated 19.04.2018 under Section 363 of the Indian Penal Code and charge sheet submitted under Sections 363/366A/376 of the Indian Penal Code and Section 4 of the POCSO Act.

In the matter of : Dwijendra Nath Das @ Dwijendra Das @
Sujan Das @ Kebal Das. ... Petitioner.

Mr. Nilanjan Adhikari.

.....for the Petitioner.

Mr. S. G. Mukherjee, ld. P.P.,
Ms. Faria Hossain,
Ms. Sonali Das.

.....for the State.

Petitioner seeks anticipatory bail in connection with Baguiati P.S. Case No.158 of 2018 dated 19.04.2018 under Section 363 of the Indian Penal Code.

Learned Advocate appearing for the petitioner submits that he was initially granted anticipatory bail by an order dated June 27, 2018 passed in C.R.M. 4195 of 2018. Subsequent thereto, the police submitted charge sheet which includes a charge under Section 4 of the POCSO Act. The petitioner is married to the victim girl.

Learned Advocate appearing for the State submits that the victim girl was examined medically.

It appears from the record made available that in the application for anticipatory bail which was allowed being CRM 4195 of 2018 so far as the petitioner is concerned, the medical report was considered. The medical report is of April 29, 2018 and the previous order granting anticipatory bail is June 27, 2018.

The medical report is, therefore, prior to the order dated June 27, 2018. Charge sheet in respect of the criminal case was submitted.

In such circumstances, since there subsists an order of granting anticipatory bail dated June 27, 2018 and the medical report is prior thereto we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest the petitioner shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall appear before the Court below and pray for regular bail within four weeks from date.

This application for anticipatory bail is, thus, allowed.

The application for anticipatory bail, being CRM 1934 of 2021, is thus disposed of.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)