

11.06.2021
tkm/ct 28
sl no. 31

C.R.M. 2424 of 2021
(Through video conference)

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Raiganj Woman P.S case no. 124/208 of 2020 dated 22.08.2020 under sections 376/506 of the IPC read with section 6 of the POCSO Act.

And

Allowed

In Re : Iskanjit Barman petitioner

Mr. Tanmay Basu

..... for the petitioner

Mr. Bidyut Kumar Roy,
Ms. Rita Dutta

..... for the State

It is submitted by the counsel for the petitioner that the victim and his client are living a conjugal life happily. It is further submitted that there is a child born to them and they are living together.

Counsel for the State submits that the marriage certificate is required to be verified.

This court is of the view that since marriage certificate is annexed to the application, the presumption would be in favour of the said document till proved to the contrary. Liberty is, however, reserved to the State to seek alteration of the above order in the event it is found that the marriage certificate is fake or that the victim and the petitioner are not in fact living together.

This court is of the view that the petitioner has made out a case for relief under section 438 Cr.P.C.

Accordingly, we direct that 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 also be subject to the conditions as laid down under section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioners while on bail shall not enter the jurisdiction of

Raiganj Woman P.S. until further orders except for the purpose of investigation and attending court proceeding and shall report to the concerned officer in charge within whose jurisdiction he shall reside while on bail once in a week until further orders and shall provide the address where he shall presently reside to the investigating officer as well as court below while on bail. The petitioner shall surrender his passport to the Investigating Officer and if he does not possess a passport shall submit an affidavit to that effect before the Investigating Officer.

In the event petitioner fails to appear before the trial court without any justifiable cause, the trial court shall be at liberty to cancel his bail in accordance with law without further reference to this court.

The application being CRM 2424 of 2021 is disposed of.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Biswajit Basu, J.)

(Rajasekhar Mantha, J.)