

Item No.56
11-08-2021
(ct. no.32)
(AD)
Allowed

(Via Video Conference)

CRM 2610 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with POCSO Case No. 21 of 2019 arising out of **Malda Police Station** Case No. **71 of 2019** dated **12.02.2019** under Sections **4/6** of the POCSO Act.

- A n d -

In the matter of : Amit Hembram alias Sankalpa Hembram
.... Petitioner.

Mr. Sudip Banerjee

... For the Petitioner.

Ms. Sonali Bhar

... For the State.

The allegation against the petitioner is that he established physical relationship with the victim girl who was 14 years of age at the relevant point of time and had promised to marry the victim girl once she came of age. It is alleged that the father of the petitioner also went to negotiate with the victim's family regarding the marriage. Ultimately, the petitioner refused to marry the victim. Hence, this complaint has been lodged.

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. *Prima facie*, there is nothing terribly incriminating in the statement. We are told that the girl also refused to undergo medical examination. Charge sheet has been filed.

Having considering the overall facts and circumstances of the case and the material in the case diary and the nature and gravity of the alleged offence, we are of the opinion that immediate custodial interrogation of the petitioner may not be necessary.

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 the event the petitioner fails to adhere to any of the conditions stipulated in Section 438(2) of the Code of Criminal Procedure, the Learned Court below will be at liberty to cancel the anticipatory bail without reference of this Court.

The application for anticipatory bail being CRM 2610 of 2021 is, thus, allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)