

CRM 2642 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No.495 of 2019 dated 30-10-2019 under Sections 363/366/506 of the Indian Penal Code and added Section 6 of the POCSO Act.

- A n d -

In the matter of : Rahul Das & Anr.

.... Petitioners.

Ms. Juin Dutta Chakraborty,
Mr. Debasish Kundu

... For the Petitioners.

Mr. Saswata Gopal Mukherji, learned Public Prosecutor,
Ms. Faria Hossain,
Mr. Aniket Mitra

... For the State.

The petitioners undertake to affirm and stamp the petition as per Rules within a week from date of passing of this order. Subject to such undertaking, the application is taken up for hearing.

The application for anticipatory bail has become infructuous insofar as the petitioner no.1 is concerned. We are told that he was arrested and has been enlarged by the learned Court below.

The case is one of kidnapping. The victim girl has been recovered and she has recorded statement under Section 164 of the Code of Criminal Procedure to the effect that she eloped with the petitioner no.1 on his own volition. Subsequently, they have got married and a child has also been born to the victim and the petitioner no.1.

Considering the facts and circumstances aforesaid and the material in the Case Diary and also in view of the fact

that charge-sheet has been submitted, we are of the view that immediate custodial interrogation of the petitioner no.2, who is the mother of the petitioner no.1, is not necessary so long as she cooperates with the investigation.

Accordingly, in the event of arrest, the petitioner no.2 shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand), with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer. The petitioner shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure.

In the event the petitioner no.2 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 further reference of this Court.

The application for anticipatory bail being CRM 2642 of 2021 is, thus, **disposed of**.

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.)**