

03.12.2021

Court No.29
Item No.107
(Allowed)

Saswata
(Assistant
Registrar)
(Court)

CRM 3864 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Kotwali Police Station Case No. 798 of 2020 dated 28/10/2020 under Sections 363/365/34 of the Indian Penal Code and Section 4 of the POCSO Act;
And

In the matter of : **Swapan Sarkar & Anr.**

...Petitioners

Mr. Amanul Islam
Mr. Sourav Mukherjee
...For the Petitioners

Mr. Biduyt Roy
Miss. Rita Datta
...For the State.

Petitioners seek anticipatory bail.

On the prayer of the learned advocate for the petitioners, CRM 3864 is dismissed as not pressed for the petitioner no. 1 (**Swapan Sarkar**).

Having heard the learned advocates for the petitioners and the State and having considered the statement of the victim recorded under Section 164 of the Code of Criminal Procedure and having considered the fact that the victim stated that there was a previous relationship and she entered into marriage and considering the fact that the prime accused is in custody, we grant anticipatory bail to the petitioner no.2 (**Biswajit Sarkar**).

The prayer for anticipatory is, thus, ***allowed***.

Accordingly, we direct that in the event of arrest, the petitioner no. 1 (**Biswajit Sarkar**) shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only), with two sureties of like amount each, to the satisfaction of the arresting officer and also 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 no. 1 (**Biswajit Sarkar**).

CRM 3864 is disposed of, accordingly.

(Debangsu Basak, J.)

(Krishna Rao, J.)

