

13.12.2021

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Allowed

**C.R.M. 4870 of 2021
(via video conference)**

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No. 81 of 2021 dated 17.02.2021 under Sections 376/511 of the Indian Penal Code and Section 8 of the POCSO Act.

And

In Re : Rakesh Sardar petitioner

Mr. Asraf Mandal
.....for the petitioner

Mr. Anowar Hossain
Ms. Ratna Ghosh
....for the State

It is submitted by the learned Counsel appearing for the petitioner that there was a love affair between the petitioner and the victim girl and he has been falsely implicated in the instant case.

Learned advocate appearing for the State opposes the prayer for bail and submits victim was a minor.

We have considered the materials on record including statement of the victim girl. Allegation of forcible molestation may be assessed in the light of the aforesaid submission with regard to amorous relationship between the parties during trial.

In view of the aforesaid facts and as investigation is complete, 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 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 be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further conditions that the petitioner shall appear before the court below and pray for regular bail within a period of four weeks from date.

This application for anticipatory bail is, thus, allowed.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)