

02.12.2021
Item no.142
Court No.32
Avijit Mitra

C.R.M. 4802 of 2021

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure;

And

In Re : Aditya Kumar Jha

.... petitioner

Mr. Soumya Basu Roychowdhury

....for the petitioner

Mr. Anwar Hossain,

Ms. Manisha Sharma

..... for the State

Apprehending arrest in connection with Belur Police Station Case No.76 of 2021 dated 14.04.2021 under Sections 387/506/34 of the Indian Penal Code and Sections 4 and 12 of the Protection of Children from Sexual Offences Act, 2012, the present application is filed by the principal accused praying for anticipatory bail.

Mr. Roychowdhury, learned lawyer for the petitioner submitted, that there was a love relationship between the victim girl and the present petitioner. It is further submitted that the victim is admittedly a major. Since chargesheet has been filed and other allegations are not so grave and serious, custodial interrogation is not necessary and accordingly, anticipatory bail may be allowed.

Per contra, learned lawyer representing the State candidly admitted that chargesheet has been filed and the victim is admittedly a major.

We have heard rival submissions and perused the case diary. On perusal of case diary, extent of incriminating materials, the nature of allegations and the fact that investigation is closed, on submission of chargesheet, we are inclined to allow the anticipatory bail.

Accordingly, we direct that in the event of arrest, the petitioner, namely, **Aditya Kumar Jha**, 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973.

The petitioner shall not intimidate the witnesses and/or tamper with evidence in any manner whatsoever, and shall attend the Court on the dates fixed.

It is made clear that in the event the petitioner fails to comply with the aforesaid directions without any justifiable cause, the learned trial court would be at liberty to cancel the petitioner's bail without any further reference to this Court.

The application for anticipatory bail being C.R.M. 4802 of 2021 is disposed of.

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

(Sugato Majumdar, J.)

(Tapabrata Chakraborty, J.)

