

16.11.2021

Serial no. 13

Dd

(Through Video Conference)

CRM 6810 of 2021

In re : An Application for **anticipatory bail** under Section **438** of the Code of Criminal Procedure in connection with **Domjur** Police Station Case No. **458** of **2021** dated **30.06.2021** under Sections **4/6** of the Protection of Children from sexual offences (POCSO) Act, 2012.

-And-

In the matter of : **Kausik Samanta**

... Petitioner

Mr. Milan Mukherjee, Learned Senior Advocate

Mr. M. D. Ali Jinnah

Mr. Omar Faruk Gazi,

Mr. Bellal Sekh

Mr. Santanu Talukdar,

Mr. Debabrata Mondal, Advocate

... ... For the Petitioner

Mr. Saibal Bapuli, Ld. APP

Mr. Bibaswan Bhattacharya, Advocates

... ...For the State

Petitioner seeks anticipatory bail.

Learned senior advocate appearing for the petitioner submits that the petitioner was falsely implicated. The police complaint is a counter-blast to a suit for annulment of marriage filed by the petitioner against the de facto complainant on June 17, 2021 being MAT Suit No. 652 of 2021. The present police complaint was lodged on June 30, 2021.

Learned advocate appearing for the State draws the attention of the Court to the statements recorded under Section 164 of the Criminal Procedure Code of the victim.

Considering the materials in the case diary and considering the fact that the petitioner filed a suit for

annulment of marriage on June 17, 2021 and considering the fact that the present police complaint was lodged on June 30, 2021 and considering the medical report, 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 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 shall appear before the Court below and pray for regular bail within four weeks from date and on further condition that the petitioner shall meet the Investigating Officer once in a month.

Prayer for anticipatory bail is **allowed**.

CRM 6810 of 2021 is **disposed of**.

(Debangsu Basak, J.)

(Ananda Kumar Mukherjee, J.)