

12.01.2021
Court No.28
rpan / 66

C.R.M. 10676 of 2020
(Via Video Conference)

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

And

In Re : **Swapan Das**

....Petitioner.

Mr. Soumajit Das Mahapatra,
Mr. Rajesh Naskar

....for the Petitioner.

Mr. Abhra Mukherjee,
Mr. Dipankar Mahata

... for the State.

Mr. Anindya Bose,
Ms. Ananya Chakraborty

... for the de facto complainant.

Apprehending arrest in connection with Dholahat P. S. Case No. 60 of 2019 dated 01.03.2019 under Sections 363/365/366 of the Indian Penal Code read with Section 4 of the Protection of Children from Sexual Offences Act, 2012, the petitioner has filed the present application.

The learned advocate appearing for the petitioner submits that there was a love affair between the petitioner and the victim girl. She is presently four months pregnant and is residing in the matrimonial home. He further submits that upon completion of investigation, charge sheet has also been filed on 27th July, 2019.

Learned advocate appearing for the State has placed before us the case diary.

Mr. Bose, learned advocate appears on behalf of the de facto complainant. He has placed before us a declaration of

the de facto complainant / victim girl. Let the same be kept on record.

Having heard the learned advocates and upon considering the materials in the case diary, the 164 statement and taking note of the fact that the victim girl is presently four months pregnant and is residing at her matrimonial house, we are of the opinion that custodial detention of the petitioner is not necessary.

Accordingly, we allow the application and direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- 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 he shall attend the trial court on every date of hearing.

The application for anticipatory bail, being CRM 10676 of 2020, is, thus, disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata

Chakraborty, J.)