

13.
11-08-2021
(ct. no.32)
KOLE
Allowed

In the Circuit Bench At Jalpaiguri
(Via Video Conference)
CRM 818 of 2021

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Rajganj Police Station** Case No. **132 of 2021** dated **11.04.2021** under Sections **363/365** of the Indian Penal Code read with Section 4 of the POCSO Act.

- A n d -

In the matter of : Anawar Hossain.

.... Petitioner.

Mr. Madhushri Dutta,

... For the Petitioner.

Mr. Namrata Das,
Mr. A. Sarkar,
Mr. Abhijit Sarkar,

... For the State.

The allegation against the petitioner is that he kidnapped the victim girl.

We have seen the material in the case diary including the statement of the victim girl (17 years 3 months old) recorded under Section 164 of the Code. She categorically stated that on her own volition she left her parental home with the petitioner. Now, she has come back and she wants to complete her studies. She has also stated that after completing the studies she will marry the petitioner.

In view of the aforesaid and on an overall consideration of the case and the nature and gravity of the charge against the petitioner, although charge sheet has not yet been submitted, we are of the view that immediate

custodial interrogation of the petitioner is not necessary so long as he cooperates with the Investigating Officer.

Accordingly, 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, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438 (2) of the Code of Criminal Procedure until further orders.

The application for anticipatory bail being CRM 818 of 2021 is, thus, allowed.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)