

21.03.2022
Sl. 89
Court No.29
sourav
(Allowed)

C.R.M. (A) 738 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **09.02.2022** in connection with **Berhampore** P.S. Case No. **535** of **2021** dated **31.05.2021** under Sections **363/366** of the Indian Penal Code read with Sections **8** and **12** of the POCSO Act.

And

In the matter of: **Sahil Shaikh @ Sagar Sk**

....petitioner.

Mr. Soumayjit Das Mahapatra

Mr. Ali Ahsan Alamgir

Ms. Riya Das

Ms. Rabia Khatoon

...for the petitioner.

Mr. Arijit Ganguly

Mr. Avik Ghatak

...for the State.

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that there was a relationship between the petitioner and the defacto complainant. He highlights the age of the defacto complainant. He submits that the birth certificate of the defacto complainant was not available on the previous date when the application for anticipatory bail was not pressed on December 23, 2021.

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

Considering the age of the victim and considering the fact that there is an admission of previous relationship between the petitioner and the victim and considering the fact that the police filed charge-sheet, we 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 condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Consequently, we grant anticipatory bail to the petitioner.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 738 of 2022 is, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

