

**31.03.2022**

Sl. 6  
Court No.29  
sourav  
(Allowed)

**C.R.M. (A) 1427 of 2022**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Tehatta** P. S. Case No. **134** of **2022** dated **24.02.2022** under Sections **341/323/354/307/379** of the Indian Penal Code and Section **8** of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: **Subhankar Sarkar @ Shuvankar Sarkar @ Dilu**  
....petitioner.

Mr. Asraf Mandal,

...for the petitioner.

Mr. Narayan Prasad Agarwala,

Ms. Subhasree Patel,

...for the State.

Supplementary affidavit filed in Court be taken on record.

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the petitioner and the victim were in a relationship. He submits that the victim is over 17 years of age and that the petitioner is over 20 years of age. The petitioner was falsely implicated. He refers to the photographs of the petitioner and the victim taken during the period when the relationship did not turn sour.

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

The photographs supplied in the supplementary affidavit the petitioner suggests that the petitioner and the victim were in a relationship. They were known to each other.

Considering the materials in the case diary and considering the materials disclosed in the supplementary affidavit and considering the respective age of the victim and the petitioner, we deem it appropriate to enlarge the petitioner on anticipatory bail.

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 will report before the Investigating Officer once in a fortnight till the conclusion of the investigation 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.

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

**C.R.M. (A) 1427 of 2022** is, thus, disposed of.

**(Debangsu Basak, J.)**

**(Bibhas Ranjan De, J.)**

