

04.04.2022

09

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1514 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **612** of **2021** dated **19.11.2021** under Sections 376/417/306/34 of the Indian Penal Code, 1860 and added Section 4 of the POCSO Act.

And

In Re : Raj Biswas

..... petitioner

Mr. Kallol Mondal
Mr. Krishan Roy
Mr. Amanul Islam
Mr. Sourav Mukherjee
Mr. Souvik Das

....for the petitioner

Mr. S. G. Mukherjee, learned Public Prosecutor
Mr. Arijit Ganguly
Mr. Sanjib Kumar Daan

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, initially the investigations were conducted, inter alia, under Section 376/417/306/34 of the Indian Penal Code. Subsequently, Section 4 of the POCSO Act was added. He submits that one of the co-accused was enlarged on bail by the Jurisdictional Court. There was a relationship between the petitioner and the victim. The victim was of 18 years of age.

Learned advocate appearing for the State submits that, from the birth certificate it appears that at the time of incident, the victim was just below 18 years of age. He refers to the statement of the sister of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

In her statement, the sister of the victim acknowledges that there was a relationship between the petitioner and the victim.

The post mortem report of the victim states that, death was due to hanging. The injury mark noted in the post mortem reports states that there was high/ligature mark on the neck above the right side.

The death was due to suicide as noted in the post mortem report.

Considering the gravity of the offence and the involvement of the petitioner therein and considering the fact that one of the co-accused was enlarged on bail by the Jurisdictional Court and others were granted anticipatory bail by this Hon'ble Court, 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/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be 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 meet 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)