

04.04.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1538 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanditala** Police Station Case No. **61** of **2020** dated **22.02.2020** under Sections 363/365 of the Indian Penal Code, 1860 and subsequently added Sections 4 and 6 of the POCSO Act, 2012.

And

In Re : Kutubuddin Mallick

..... petitioner

Mr. Mahammad Mahamud

Sk. Imtiaz Alam

Ms. Chandana Rai

....for the petitioner

Mr. Joydeep Roy

Ms. Sujata Das

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, there was a marriage between the petitioner and the victim. A child was born out of such wedlock. The petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.).

There is a certificate of marriage annexed to the petition.

Considering the marriage existing between the petitioner and the victim and considering the respective age of the victim and the petitioner and considering the fact that there is a child born out of an arrangement between the petitioner and the victim, 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 month 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.)

