

07.04.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1607 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Pukhuria** Police Station Case No. **484** of **2021** dated **02.12.2021** under Sections 363/365/34 of the Indian Penal Code, 1860 read with Section 4 of the Protection of Children from Sexual Offences Act.

And

In Re : Miraj Mia @ Miraj Ali

..... petitioner

Mr. Kallol Mondal

Mr. Krishan Roy

Mr. Arup Sarkar

Mr. Souvik Das

Mr. Anamitra Banerjee

Mr. Debayan Ghosh

....for the petitioner

Mr. Binoy Panda

Mr. Subham Bhakat

....for the State

Petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that, there was a relationship between the petitioner and the victim. The victim left voluntarily with the petitioner.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.). He refers to the medical report of the victim.

In her 164 Cr.P.C. statement, the victim states that, she and the petitioner are in a relationship and that she left voluntarily with the petitioner.

Considering the respective age of the victim and the petitioner and considering the 164 Cr.P.C. statement of the victim and her medical report, 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.)

