

20.04.2022

22

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1778 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nakashipara** Police Station Case No. **652** of **2021** dated **18.12.2021** under Sections 363/365/34 of the Indian Penal Code, 1860 and added Section 8 of the POCSO Act.

And

In Re : Milandip Biswas

..... petitioner

Mr. Koustav Bagchi

Mr. Amanul Islam

Mr. Sourav Mukherjee

Mr. Debayan Ghosh

....for the petitioner

Mr. Navanil De

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, there was a relationship between the petitioner and the victim. The victim went 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.).

In her 164 Cr.P.C. statement, the victim states that she went voluntarily with the petitioner and that they were married. The age of the victim is 16 years plus.

Considering the 164 Cr.P.C. statement of the victim and considering the age of 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/-, 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.)

