

22.04.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1832 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Palashipara** Police Station Case No. **55** of **2022** dated **06.02.2022** under Sections 363/366/34 of the Indian Penal Code, 1860 and adding Section 6 of the Protection of Children from Sexual Offences Act.

And

In Re : Tushar Mondal

..... petitioner

Mr. Asraf Mondal

....for the petitioner

Md. Anwar Hossain

Ms. Benazir Hasna

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the principal accused is in custody.

Learned advocate appearing for the State draws the attention of the Court to the statements of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) and under Section 161 thereof.

In her 161 Cr.P.C. statement, the victim claims that she was married to the principal accused and that they were living as husband and wife.

Considering the fact that the principal accused is in custody and considering the statement of the victim as appearing from the case diary, 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.)

