

C.R.M. (A) 1976 of 2022

04.05.2022
Sl. 9
Court No.29
sourav
(Allowed)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Hasnabad** Police Station Case No. **204** of **2021** dated **01.04.2021** under Sections **363/365/34** of the Indian Penal Code and added Section **4** of the Protection of Children from Sexual Offences Act.

And

In the matter of: **Golam Rasul Gazi @ Tuntuni**

....petitioner.

Mr. Prantick Ghosh

Mr. Siddhartha Sarkar

...for the petitioner.

Mr. Navanil De

...for the State.

Mr. Neil Basu

...for the defacto complainant.

The petitioner seeks anticipatory bail.

Learned advocate appearing for the petitioner submits that the victim and the petitioner are married. Both of them are adults. The police case was falsely implicated.

State and the defacto complainant are represented.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Criminal Procedure Code in the subsequent case lodged by the father of the victim.

In such statement, the victim claims herself to be 18 years of age and states that she and the petitioner married each other voluntarily.

Considering the stand of the victim and her age as claimed by her and considering the materials in the case diary, we 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/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer as and when call for till the filing of the charge-sheet 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 1976 of 2022 is, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

