

36 19.05.2022
(AD) Court No.29
(Allowed)

C.R.M. (A) 2276 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Ratua** P.S. Case No.**163 of 2022** dated **06/04/2022** (Special Case No.-23/2022) under Sections **417/376(3)/325** of the Indian Penal Code read with Section **6** of the Protection of Children from the Sexual Offences Act.

And

In the matter of: Mosharaf @ Md. Mosarraf Hossain
....petitioner.

Mr. Kallol Mondal
Mr. Krishan Ray
Mr. Arup Sarkar
Mr. Souvik Das
Mr. Anamitra Banerjee

...for the petitioner.

Mr. Narayan Prasad Agarwala
Ms. Subhasree Patel

...for the State.

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that there was a love relationship between the petitioner and the victim. The police complaint is a result of such relationship turning sour.

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. She submits that the victim refused to undergo medical examination.

Considering the statement of the victim recorded under Section 164 of the Code of Criminal Procedure where she acknowledges that there was a relationship and considering the fact that the victim refused to undergo medical examination, 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/- (Rupees Ten Thousand Only) with two sureties of like amount each to the satisfaction of the Arresting Officer and also 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 will report before the Investigating Officer once 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.

The prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 2276 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bivas Pattanayak, J.)