

08.06.2022
tkm/ct 28
sl no. 115

C.R.M. (A) 2420 of 2022

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Titagarh P.S case no. 390 of 2021 dated 11.6.2021 under sections 4/8 of the POCSO Act
And

Allowed

In Re : Masum Gazi petitioner

Mr. Mrityunjoy Chatterjee
Mr. L Bhattacharya
Mr G N Imrohi
Mr. D Majumder

..... for the petitioner

Mr. N Ahmed
Ms. Ayantika Ray

..... for the State

It is submitted on behalf of the petitioner that there was a love affair between the petitioner and the victim girl, both of whom are young persons. He relies on chat messages exchanged between them on a social networking site.

Learned lawyer for the State opposes the prayer for anticipatory bail.

We have considered materials on record including the statement of the victim girl recorded under section 164 Cr.P.C. Allegation of forcible rape requires to be assessed in the light of the chat messages exchanged between the parties.

Keeping in mind the aforesaid facts and circumstances of the case, we are of the opinion though custodial interrogation of the petitioner is not necessary, but he requires to co-operate with investigation in accordance with law.

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.

Petitioner shall appear before the court below and prays for regular bail within four weeks from date.

The application being CRM (A) 2420 of 2022 is disposed of.

(Ananya Bandyopadhyay, J.)

(Joymalya Bagchi, J.)