

12.07.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 3292 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Gangnapur** Police Station Case No. **45** of **2022** dated **15.02.2022** under Sections 363/365/34 of the Indian Penal Code, 1860 and Section 6 of the Protection of Children from Sexual Offences Act.

And

In Re : Khairul Mondal @ Khairul Islam Mondal

..... petitioner

Mr. Prabir Majumdar

....for the petitioners

Ms. Sreyashee Biswas

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the victim went voluntarily with the principal accused.

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.). She also refers to the medical examination report of the victim.

In her medical examination, which is prior in point of time, it is recorded that the victim went voluntarily with the principal accused.

In her 164 Cr.P.C. statement, the victim claims that she was abducted.

The Court is informed that the police filed charge-sheet. The Court is also informed that the petitioner is about 18 years of old.

Considering the fact that the police filed charge-sheet and considering the age of the petitioner, 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 condition that the petitioner shall appear on every date 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.)

