

20.07.2022
Serial no.15
Aloke

CRM (A) 3445 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Hanskhali Police Station Case No. 815 of 2021 dated 08.12.2021 under Sections 376/328 of the Indian Penal Code and Section 6 of the POCSO Act.

-And-

In the matter of : **Pradip Das**

... ... Petitioner

Ms. Sananda Bhattacharyya, Advocate

... ... For the Petitioner

Mr. Tanmoy Kr. Ghosh, Advocate

Ms. Sonali Bhar, Advocate

... ...For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the police complaint is a result of a relationship turning sour. There is a delay in the lodgment of the first information report. She relies upon photographs of the petitioner and the de facto complainant. She contends that the de facto complainant married another person.

Learned Advocate appearing for the State draws the attention to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure.

In her statement, the victim acknowledges that there was a relationship between her and the petitioner. The incident according to her happened four months ago.

Considering the materials in the case diary and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, we are inclined to 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 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 meet the Investigating Officer once in a fortnight till the conclusion of the investigation and on further 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.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 3445 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)