

04.08.2022
Serial no.21
Aloke

CRM (A) 3727 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Harishchandrapur Police Station Case No. 790 of 2021 dated 22.10.2021 under Sections 341/323/363/365 of the Indian Penal Code and Section 6 of the POCSO Act.

-And-

In the matter of : **Durgapada Das**

... .. Petitioner

Mr. Kallol Mondal, Advocate

Mr. Krishan Ray, Advocate

Mr. Arup Sarkar, Advocate

Mr. Sourav Mukherjee, Advocate

... .. For the Petitioner

Mr. Shiladidya Banerjee, Advocate

... ..For the State

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that there was a love relationship between the petitioner and the victim. He highlights the age of the petitioner. He draws the attention to the photographs of the petitioner and the victim which he claims establishes that the relationship between the petitioner and the victim. He submits that the petitioner was falsely implicated.

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. He submits that the victim is 14 years of age.

The victim in her statement recorded under Section 164 of the Code of Criminal Procedure claims that she was abducted and then kept in confinement for 20 to 25 days by the petitioner. There are photographs in the petition for anticipatory bail suggesting that there was previous relationship between the petitioner and the victim. There are letters annexed to the application for anticipatory bail again suggesting the same relationship. The age of the petitioner apparently is 20 years.

Considering such age of the petitioner, the materials in the case diary as also in the petition for anticipatory bail and considering the fact that the victim refused medical examination despite her claim in the statement recorded under Section 164 of the Code of Criminal Procedure of rape, 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) 3727 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)