

08.08.2022

Serial no.5
Aloke

CRM (A) 3747 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. 435 of 2022 dated 03.06.2022 under Sections 363/365/34 of the Indian Penal Code and added Section 8 of the POCSO Act.

-And-

In the matter of : **Amlesur @ Amelesur @ Amlesur Rahaman**
... .. Petitioner

Mr. Kallol Mondal, Advocate
Ms. Sabnam Laskar, Advocate
... .. For the Petitioner

Ms. Z.N. Khan, Advocate
Mr. Ashok Das, Advocate
... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that there was a relationship between the petitioner and the victim. He refers to the age of the respective parties. He submits that the petitioner is teenager.

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 response to a query of the Court, he submits that the victim refused to undergo medical examination.

In view of the age of the petitioner and in view of the fact that the victim refused to medical examination and in view of 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) 3747 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)