

16.08.2022
Serial no. 12
[Dd]
(Anticipatory bail)
Allowed

CRM (A) 3860 of 2022

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Regent Park** Police Station Case No. **58** dated **20.03.2022** under Sections **363/376(3)** of the Indian Penal Code and Section **6** of the Protection of Children From Sexual Offences Act.

-And-

In the matter of : **Sujit Santra @ Suraj Santra**
... .. Petitioner

Mr. Niladri Sekhar Ghosh,
Ms. Srimoyee Mukherjee,
Ms. Sompurna Chatterjee,
Mr. Sourav Mondal, Advocates
... .. *For the Petitioner*
Mr. Shiladitya 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 victim and the petitioner. He submits that the petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Criminal Procedure Code, her medical examination report and to a report of the police dated August 12, 2022. He submits that the custodial interrogation of the petitioner is required in order to establish biological father of the child in the womb of the victim. He points out that that the victim underwent medical termination of the pregnancy.

There is a statement of the victim recorded under Section 164 of the Criminal Procedure Code. In her statement she claims that she went voluntarily with the petitioner due to certain disputes developing between her and her mother. She also narrates that she was told by the petitioner that her age was not such so as to marry her. In fact, she exonerated the

petitioner in her statement recorded under Section 164 of the Criminal Procedure Code.

There are materials in the case diary suggesting that the victim was pregnant and underwent medical termination of pregnancy.

The Investigating Officer requires the DNA of the petitioner for the purpose of ascertaining the biological father of the child in the womb of the victim.

Considering the statement of the victim recorded under Section 164 of the Criminal Procedure Code and considering the age of the petitioner and considering the materials in the case diary, 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 further condition that the petitioner shall report before the Investigating Officer once in a week 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) 3860 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)