

07.09.2022

Sl.33

Court No.29

(AD)

(Allowed)

C.R.M. (A) 4307 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Salar** Police Station Case No. **149 of 2022** dated **08.07.2022** under Sections **376/417/506/34** of the Indian Penal Code and **4** of POCSO Act, C/Spl-20/22 dated 13.07.2022.

And

In the matter of: **Apurba Pal**

....petitioner.

Mr. Pratip Kumar Chatterjee

...for the petitioner.

Mr. Avishek Sinha

...for the State.

Petitioner prays for anticipatory bail.

Learned Advocate appearing for the petitioner submits that the petitioner was falsely implicated. He submits that the alleged incident is of December 2020 with the present police complaint being lodged on July 8, 2022.

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.

The victim in her statement recorded under Section 164 of the Code of Criminal procedure claims that she is 18 years of age. She narrates an incident of 2020. She claims that she was in a relationship with the petitioner. There was a proposal of marriage between her and the petitioner. According to her, the petitioner ravished her and then the petitioner is no longer willing to marry her.

There is the factor of delay in the lodgment of the police

complaint.

Considering the contents of the 164 statement of the victim and the delay in the lodgment of the police complaint, 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/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a fortnight till the conclusion of the investigation 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 4307 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)