

19.09.2022
Serial no21
Aloke

CRM (A) 4465 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Tehatta Police Station Case No. 725 of 2022 dated 26.08.2022 under Sections 306 of the Indian Penal Code and Section 12 of the POCSO Act.

-And-

In the matter of : **Apurba Biswas**

... .. Petitioner

Mr. Kallol Mondal, Advocate
Mr. Amanul Islam, Advocate
Mr. Krishan Ray, Advocate
Mr. Saurav Mukherjee, Advocate

... .. For the Petitioner

Mr. Saswata Gopal Mukherjee, Id. PP
Mr. Aniket Mitra, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that the victim developed a relationship with the petitioner over telephone. Since the parents of the victim were not agreeable to such relationship the victim committed suicide.

Learned Advocate appearing for the State draws the attention to the materials in the case diary.

The postmortem report of the victim suggests that the victim committed suicide. The investigations are yet to be concluded.

At this stage, the materials in the case diary do not suggest involvement of Section 12 of the POCSO Act.

In such circumstances, 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) 4465 of 2022 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)