

04.11.2022

16

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5065 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Murarai** Police Station Case No. **157** of **2022** dated **29.07.2022** under Sections 363/365 of the Indian Penal Code, 1860 and adding Sections 4/ 6/8/12 of the Protection of Children from Sexual Offences Act.

And

In Re : Bakkar Sk. @ Bakkar Sekh

..... petitioner

Mr. Prosenjit Mukherjee
Mr. Saptarshi Mukherjee
Mr. Argha Kamal Das
....for the petitioner

Ms. Anasuya Sinha
Ms. Subhashree Patel
....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the victim and the petitioner are married. Other co-accuseds are either on bail or on anticipatory bail granted by the Jurisdictional Court.

Learned advocate appearing for the State draws the attention of the Court to the materials in the case diary including the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.). She also refers to the medical examination report of the victim.

In the 164 Cr.P.C. statement, the victim does not claim that she was ravished by the petitioner. However, in the

medical examination report, the doctor claims that the victim stated that she was ravished by the petitioner.

The victim was 15 years of age at the time of the incident.

Considering the age of the petitioner and the 164 Cr.P.C. statement of the victim, 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/-, 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 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)