

17.11.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5242 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nowda** Police Station Case No. **268** of **2022** dated **01.10.2022** under Section 376 of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act.

And

In Re : Samirul Sk @ Samirul Shaikh

..... petitioner

Mr. Soumyajit Das Mahapatra

Mr. Amanul Islam

Mr. Sourav Mukherjee

....for the petitioner

Mr. Saibal Bapuli

Ms. Sayanti Santra

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the police complaint was lodged upon a love relationship turning sour. He submits that, the petitioner is 23 years of age and that, the victim claims herself to be 17 years plus.

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.) and her medical examination report.

In her 164 Cr.P.C. statement, the victim claims herself to be 17 years and two months. She claims that, she was in a relationship with the petitioner that due to such relationship,

physical intimacy developed between her and the petitioner. She claims that, the police complaint was lodged only after the petitioner refused to marry her.

Considering the materials in the case diary and taking into account the age of the petitioner, 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 further condition that the petitioner shall meet the Investigating Officer twice a week till the conclusion of the investigation and thereafter shall appear on every date before the jurisdictional Court on every 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.)

