

23.11.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5362 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nakashipara** Police Station Case No. **816** of **2022** dated **16.10.2022** under Section 363 of the Indian Penal Code, 1860 and Section 4 of the POCSO Act.

And

In Re : Najim Mal

..... petitioner

Mr. Soumyajit Das Mahapatra

Mr. Sourav Mukherjee

....for the petitioner

Mr. Joydip Roy

Mr. Asif Dewan

....for the State

The police complaint was lodged pursuant to an order passed under Section 156(3) of the Code of Criminal Procedure.

The mother of the victim lodged the complaint. In the 156(3) Cr.P.C. application, the de-facto complainant claims that, the victim was living a happy married life with the petitioner.

The victim is about 17 years and few months. The petitioner is about 20 years of age. There is a 164 Cr.P.C. statement by the victim.

Considering the age of the petitioner and the materials in the case diary, we deem it appropriate 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/-, 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 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)