

30.11.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5539 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Rabindranagar** Police Station Case No. **310** of **2022** dated **14.11.2022** under Sections 363/365 of the Indian Penal Code, 1860.

And

In Re : Sk. Ehatesam Hossain @ Sk. Danish

..... petitioner

Mr. Anand Keshari

Mr. Gourav Kumar

....for the petitioner

Mr. Saikat Chatterjee

Mr. Abdur Rakib

....for the de-facto complainant

Mr. Faria Hossain

Ms. Baisali Basu

Ms. Mamata Jana

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated.

State and the de-facto complainant are represented.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.).

The victim in her 161 Cr.P.C. statement claims that, she is above 17 years of age. She also claims that she left voluntarily to the place of the petitioner in view of her parents fixing up a marriage with a person with whom she was not willing to marry.

The medical examination report of the victim does not suggest existence of any physical relationship between the petitioner and the victim. The police are not investigating under the POCSO Act as of now.

In such circumstances, 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 as and when called for 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.)