

13.12.2022

Sl.3

Court No.29

(AD)

(Allowed)

C.R.M. (A) 5622 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Raiganj** Police Station Case No. **110 of 2017** dated **06.02.2017** under Section **506** of the Indian Penal Code, 1860 read with Section **6** of the Protection of Children from Sexual Offences Act, 2012 corresponding to POCSO Case No.5 of 2017.

And

In the matter of: **Souvik Barman**

....petitioner.

Mr. Shibaji Kumar Das

Ms. Rupsa Sreemani

...for the petitioner.

Mr. Prasun Kumar Datta, Ld. APP

Mr. Nirupam Dhali

...for the State.

Petitioner prays for anticipatory bail.

Report as called for by the order dated December 2, 2022 filed in Court be taken on record.

It appears from such report that the petitioner and the victim are now married with a child born out of the wedlock. The age of the petitioner is about 23 years. There is a child born to the petitioner and the victim.

Keeping such aspect in mind, need for custodial interrogation of the petitioner is not felt.

We take into consideration the welfare of the child involved also. It would be beneficial for the child to be with the biological parents.

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/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 5622 of 2022 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)

