

13.12.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 5794 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore** Police Station Case No. **822** of **2021** dated **04.08.2021** under Sections 363/365/34 of the Indian Penal Code, 1860 and adding Section 376 of the Indian Penal Code, 1860 and Section 4 of the Protection of Children from Sexual Offences Act, 2012.

And

In Re : Chhatan Mondal @ Chhatan

..... petitioner

Mr. Arnab Chatterjee

Mr. Anisur Rahaman

Ms. Shanasree Biswas

....for the petitioner

Mr. Navanil De

....for the State

Apparently, the victim was 15 years of age at the time of the incident. The petitioner before us is 25 years of age.

The victim in her statement recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) claims that, the petitioner took her to Uttar Pradesh, where they lived as husband and wife for sometime.

The victim refused to undergo medical examination.

Considering the age of the petitioner and the materials in the case diary including the 164 Cr.P.C. statement of the victim and considering the fact that the police filed charge-sheet, 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.)