

09.01.2023

24

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 58 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tehatta** Police Station Case No. **1119** of **2022** dated **25.12.2022** under Sections 363/365 of the Indian Penal Code, 1860.

And

In Re : Sagar Majumdar

..... petitioner

Mr. Atis Kumar Biswas

Mr. Amit Singh

Ms. Jyoti Agarwal

....for the petitioner

Md. Anwar Hossain

Ms. Ratna Ghosh

....for the State

Petitioner before us is about 23 years of age.

The victim, apparently, was around seventeen and half years of age.

The victim in her statement recorded under Section 164 of the Code of Criminal Procedure acknowledges that there was a love relationship between the victim and the petitioner.

Requirement of custodial interrogation of the petitioner is not felt particularly in view of his age.

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 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.)