

24.01.2023

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 318 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bauria** Police Station Case No. **143** of **2022** dated **05.08.2022** under Sections 363/365/376(2)(n)/120B of the Indian Penal Code and Section 6 of the Protection of Children from Sexual Offences Act.

And

In Re : Muskan Khatun @ Muskan Purkait

..... petitioner

Ms. Sananda Bhattacharya
....for the petitioner

Ms. Anasuya Sinha
Ms. Subhasree Patel
....for the State

The police filed charge-sheet.

The victim in her statement recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) implicates the petitioner in abducting her.

The victim implicates another person in sexually violating her.

There are three 161 Cr.P.C. statements of independent persons, who claims that the de-facto complainant and another person used to live as husband and wife for about two months.

The victim, therefore, was in a position to seek assistance so far as the allegation of abduction is concerned.

The victim did not so do over a period of two months.

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 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.)