

16.03.2023

8

Ct. No. 29

CHC

Allowed

C.R.M.(A) 926 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bagnan** Police Station Case No. **179** of **2022** dated **10.04.2022** under Sections **498A/376/34** of the Indian Penal Code and under Section **4** of the POCSO Act and under Section **9** of Prohibition of Child Marriage Act.

And

In the matter of : Rakesh Nazir

..... petitioner

Mr. Ayan Basu,
Sk. Salim,
Mr. Sumit Routh

....for the petitioner

Smt. Sreeparna Das

....for the State

Mr. Biswajit Tiwari

...for the de facto complainant

The victim recorded her statement subsequent to the order dated March 2, 2023, under Section 164 of the Criminal Procedure Code where, she claimed that she is presently residing at her matrimonial home and is married to the petitioner.

In view of such statement made by the victim and in view of the age of the petitioner appearing from the marriage certificate to be of 21 years, 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 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 report before the Investigating Officer as and when called for till the conclusion of the investigation and on further 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.)