

14.03.2023

22

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1020 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Malda** Police Station Case No. **585** of **2022** dated **20.12.2022** under Section 10 of the Protection of Children from Sexual Offences Act.

And

In Re : Biswajit Haldar @ Babu @ Biswajeet Haldar

..... petitioner

Mr. Shounak Mukhopadhyay

Ms. Rimpa Das

Mr. R. Saha

....for the petitioner

Mr. Joydeep Ray

Mr. Amanul Islam

....for the State

The victim in her statement recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.) claims that, she is 18 years of age.

The statement recorded by her claims that, she was sought to be sexually assaulted by the petitioner.

The victim refused to undergo any medical examination.

At this stage, there is hardly any material corroborating the claim of the victim.

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.)