

13.03.2023
Serial no. 104
[Dd]
(Anticipatory bail)
Allowed)

CRM (A) 1036 of 2023

In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Golabari** Police Station Case No. **21** of **2023** dated **21.01.2023** under Sections **376/417** of IPC.

-And-

In the matter of : **Amit Kumar Jha**

... .. Petitioner

Mr. Soumya Basu Roy Chowdhuri, Advocate
... .. *For the Petitioner*

Ms. Anasuya Sinha,
Mr. Pinak Kr. MITra, Advocates
... ..*For the State*

Mr. Palash Mukherjee, Advocate
.. ..*For the de facto complainant*

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that the police complaint was lodged after the relationship turning sour.

State and the de facto complainant are represented.

Learned advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Criminal Procedure Code.

Learned advocate appearing for the de facto complainant submits that the physical relationship was entered into at the time when the victim was a minor. The de facto complainant/victim lodged a petition before the jurisdictional Court for adding relevant provisions under the Protection of Children from Sexual Offence Act, 2012.

The statement of the de facto complainant/victim recorded under Section 164 of the Criminal Procedure Code suggests that there was a long standing relationship between the two private parties. Both are adults.

In such circumstances, we are inclined to 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 once in a month 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 1036 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)