

20.03.2023

Sl.11

Court No.29

(AD)

(Allowed)

C.R.M. (A) 1090 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Bakultala** Police Station Case No.**230 of 2022** dated **27.02.2022** under Sections **363/365** of the Indian Penal Code and adding Section **376(2)(N)** of the Indian Penal Code and Section **06** of Protection of Children from Sexual Offences Act, 2012 (Corresponding to S.P.L. POCSO Case No.187/2022) (Corresponding to G.R. Case No.5022 of 2022).

And

In the matter of: **Manas Jana @ Raja Jana**

....petitioner.

Mr. Ayan Basu
Mr. Sandip Kumar Mondal
Mr. Sumit Routh

... for the petitioner.

Mr. Arijit Ganguly
Mr. Koushik Kundu

...for the State.

Mr. Gautam Banerjee

... for the de facto complainant.

Petitioner prays for anticipatory bail.

Victim recorded her statement under Section 164 of the Code of Criminal Procedure. She claims that she was married to the petitioner. After marriage, she discovered that, the petitioner was married previously to another person.

Learned Advocate appearing for the petitioner submits that, the petitioner was not married at the time of his marriage with the victim.

Learned Advocate appearing for the de facto complainant submits that, there was a love affair between the de facto complainant and the petitioner. Pursuant to such love affair, the de facto complainant and the petitioner were married. Subsequent to the marriage, the de facto complainant found that there was a previous existing marriage between the petitioner and another

person.

The petitioner before us is about 22 years of age.

The de facto complainant claimed herself to be 17 years of age.

It is admitted by the de facto complainant that, there was a love affair between her and the petitioner.

The issue as to whether there is a previous marriage by the petitioner or not, is an issue which is required to be decided at the trial, if so raised.

Considering the age of the petitioner and the nature of accusations made against the petitioner and the materials in the case diary, we deem it appropriate 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 1090 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)