

23.03.2023

21

Ct. No. 29

CHC

Allowed

C.R.M.(A) 1195 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore** Police Station Case No. **951** of **2022** dated **20.07.2022** under Sections **363/365** of the Indian Penal Code, 1860 and Section **4** of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of : Bubai Mandal @ Khokan Mandal
@ Khokon Mandal

..... petitioner

Mr. Shibasis Chatterjee

....for the petitioner

Mr. Sudip Kumar

....for the State

Victim in her statement recorded under Section 164 of the Criminal Procedure Code claimed that he went voluntarily with the petitioner. She claimed that they married each other.

Petitioner before us is about 21 years of age.

We are informed that police filed charge-sheet.

In such circumstances, considering the age of the petitioner, putting the petitioner into custody at this stage may be counter-productive to his mental health.

Consequently, 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 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.)