

25.07.2023
SL. 13
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 2486 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kandi** Police Station Case No. **189** of **2023** dated **09.04.2023** under Sections **363/365/34** IPC read with Section **6** of the POCSO Act.

And

In the matter of: **Rocky Sk. @ Roki Sk. @ Raja Sk.**

....petitioner.

Mr. Manas Kumar Das
Mr. Aritra Kumar Thokdar

...for the petitioner.

Mr. Saibal Bapuli, Ld. APP
Mr. Sujan Chatterjee

...for the State.

1. Heard learned Counsel for the parties.
2. The victim is stated to be 16 years old and the petitioner is stated to be 18 years old. There is stated to be consensual physical relationship between the parties as found from the statement of the victim recorded under Section 164 Cr.P.C. Though consent at this stage is immaterial but taking into consideration the age of the petitioner, we feel persuaded to address the issue with a reformatory bent of mind.
3. Regard being had to the facts and submission, factum of permanent residence of the petitioner, his tender age and possibility of reform in him and substantial progress in investigation, it is directed that the petitioner shall be released on bail in the event of his arrest by the Arresting Officer in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
4. The petitioner is directed to appear before the I.O. within 21

days from today along with a server copy or certified copy of this order.

5. Accordingly, the prayer for the anticipatory bail is allowed.
6. The application being **CRM (A) 2486 of 2023** is disposed of.
7. The I.O. is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

