

04.10.2023

SL. 9

Court No. 29

Sourav

(Allowed)

C.R.M. (A) 3152 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Khanakul** Police Station Case No. **84** of **2010** dated **22.04.2010** under Sections **363/366** IPC (corresponding to G.R. Case No. 292 of 2010).

And

In the matter of: **Rawshan Ali Mollah**

....petitioner.

Mr. Niladri Sekhar Ghosh
Ms. Soupurna Chatterjee
Mr. Sourav Mondal

...for the petitioner.

Mr. Bidyut Kumar Ray
Ms. Sima Biswas

... for the State.

1. Heard learned Counsel for the parties.
2. The occurrence happened in 2010. There are materials with the learned Counsel for the petitioner to suggest that throughout these years the petitioner being a teacher was attending the school. At the time of occurrence, the victim was 13 years old. No step was taken by the police throughout these years to arrest the petitioner though he was available being a teacher.
3. It is submitted by the learned Counsel for the petitioner that the victim girl had developed some infatuation towards the petitioner being a teacher and she had come over to his house out of her own volition and the petitioner had handed over her in Joynagar P.S.
4. Though such fact is disputed by the learned Counsel for the State on the basis of the report of the I.O., there arises some

doubt regarding the diligence on the part of the investigating agency to secure arrest of the petitioner.

5. Charge-sheet has already been filed and the matter for elapse of time has become also stale. There is no immediate threat either to the victim or there is no scope on the part of the petitioner to tamper with evidence as the charge-sheet has already been filed since long.
6. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, nature of allegation and completion of investigation, it is directed that petitioner shall surrender before the learned Additional Chief Judicial Magistrate, Aarambagh, Hooghly, in G.R. Case No. 292 of 2010 arising out of the aforesaid P.S. case within 15 days from today. On his appearance and application for bail, he shall be released on bail on such terms and conditions as deemed just and proper in the facts and circumstances of the case.
7. Accordingly, the prayer for anticipatory bail is allowed.
8. The application being **CRM (A) 3152 of 2023** is disposed of.
9. Learned Additional Chief Judicial Magistrate, Aarambagh, Hooghly, is hereby directed to act upon the server copy of this order, if required.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

