

19.09.2023
ML. 165
Court No. 29
Sourav
(Allowed)

C.R.M. (A) 3772 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** Police Station Case No. **388** of **2023** dated **03.04.2023** under Sections **363/365/323/507/34** IPC read with Section 12 of the POCSO Act.

And

In the matter of: **Rahim Ali @ Raju**

....petitioner.

Mr. Kunal Ganguly
Ms. Jenifar Alam

...for the petitioner.

Mr. P. K. Datta, Ld. APP
Mr. Santanu Deb Roy

...for the State.

Mr. Soupal Chatterjee
Ms. Sucheta Banerjee

... for the defacto complainant.

1. Heard learned Counsel for the parties.
2. Perused the statement of the victim as recorded under Section 161 Cr.P.C. as well as under Section 164 Cr.P.C.
3. We notice sufficient contradictions in those statements inasmuch as before the police the victim girl stated that she voluntarily left her house with the present petitioner on account of love affairs. However, in her statement under Section 164 Cr.P.C. which was recorded later on, she stated that the present petitioner forcefully kidnapped her and thereafter, made physical relationship more than once.
4. It is fairly submitted at the Bar that the victim girl has refused medical examination. The present petitioner is stated to be a boy aged about 21 years.
5. Regard being had to the facts and submission, factum of

permanent residence of the petitioner, his tender age and possibility of reform in him, nature of allegation, contradictions as noted above 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 including the condition that:

- i) The petitioner is directed to appear before the I.O. once in a fortnight on the day and time fixed by the I.O. for the purpose of investigation till submission of Final Form.
- ii) The petitioner shall not threaten, induce or coerce any witness of this case in any manner whatsoever during the currency of this order.

- 6. Within 21 days from today, petitioner is directed to appear before the I.O. along with a server copy or certified copy of this order.
- 7. Accordingly, the prayer for anticipatory bail is allowed.
- 8. The application being **CRM (A) 3772 of 2023** is disposed of.
- 9. 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.)

