

21.09.2023
M/L 237
Ct. No.29
(Allowed)
(SKB)

CRM (A) 3845 of 2023

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with POCSO Case No.31 of 2023 arising out Raghunathganj P. S. Case No.617 of 2023 dated 24.07.2023 under Sections 376/34 of the Indian Penal Code adding Section 6 of the POCSO Act.

In the matter of : Rajesh Sk

... Petitioner

Ms. Shabana Hasin

... for the petitioner

Mr. Tanmoy Kr. Ghosh, ld. APP
Ms. Sonali Bhar

... for the State

1. Heard learned counsel for the parties.
2. The victim is admittedly a minor and the petitioner is stated to be a boy of 19 years old. There is stated to be a delay of 50 days in lodging the complaint with which we are not concerned.
3. From the statement of the victim recorded under Sections 161 and 164 Cr.P.C., it is found that there was relationship between the victim and the petitioner though it was not physical. Then they exchanged their phone number and remained in contact over phone. Both of them were also going to different places for roaming in a motorcycle arranged by the petitioner.
4. On 16.05.2023, the petitioner came to the house of the victim at about 8 p.m. and invited her to go on a ride.

Both of them went on a ride and in a jungle like place, the petitioner is alleged to have promised to marry the victim and wanted sexual favour from her. It is further alleged that the petitioner attempted to rape and then raped. There are some discrepancies in the statements of the victim recorded under Sections 161 and 164 Cr.P.C. But from the materials attending the transactions, it is found that they had a consensual romantic relationship. The petitioner is also a boy of tender age.

5. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, his tender age and possibility of reform in him, nature of allegation and substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest in the POCSO Case No.31 of 2023 arising out of 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 conditions:

- i) The petitioner is directed to appear before the IO once in a week on the day and time fixed by the IO 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. Accordingly, the prayer for the anticipatory bail is allowed.
7. 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.
8. The applications being CRM(A) 3845 of 2023 is disposed of.
9. The Arresting Officer is hereby directed to act upon the server copy or certified copy of this order.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)