

05.07.2023
Item no.10.
Court No.01.
S.De
(Allowed)

Circuit Bench of Calcutta High Court
at Jalpaiguri

CRM (A) No. 397 of 2023

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Falakata Police Station Case No.116 of 2022 Dated 08.03.2022 under Sections 6/17 of the Protection of Children from Sexual Offences Act, 2012.

And

In the matter of: Khuta Hemram @ Som Hemrom.

.....Petitioner.

Mr. Arijit Ghosh,
Ms. Swarnali Ghosh,,for the Petitioner.

Mr. Tapan Bhattacharyya,
Mr. Chattu Roy,,for the State.

The petitioner prays for pre-arrest bail. He says that he and the victim girl were supposed to get married. He was 21 years of age at the time of the incident. The victim girl was aged 17 years 11 months and 24 days. He says that he had consensual physical relationship with the victim girl. However, the mother of the victim girl took her away from the petitioner's house where the victim girl was staying. The FIR lodged 34 days after the girl was taken away.

We have seen the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure and other

material in the case diary. We have also seen the Medical Examination Report. There is no injury.

Considering the nature and gravity of the charge and the facts and circumstances of the case as also the fact that charge-sheet has been filed, we are inclined to allow the prayer for anticipatory bail of the petitioner.

Accordingly, in the event of arrest, the petitioner, namely, **Khuta Hemram @ Som Hemrom** shall be released on bail upon furnishing a bond of Rs.10,000/- with two registered sureties of like amount each, to the satisfaction of the learned Judge, Special Court (under POSCO Act) at Alipurduar and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders and on further condition that within twenty one days from the date of obtaining a certified copy or a server copy of this order, whichever is earlier, the petitioner shall appear before the learned Trial Court, failing which it would be treated that this Court has passed no order of anticipatory bail. The petitioner shall meet the O.C./I.C. of Falakata Police Station once in a fortnight till conclusion of trial unless such condition has been relaxed by the learned Trial Court.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being C.R.M.(A) No. 397 of 2023 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

(Partha Sarathi Sen, J.)

(Arijit Banerjee, J.)