

12.12.2023

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Allowed

IN THE HIGH COURT AT CALCUTTA
Circuit Bench at Jalpaiguri

C.R.M. (A) No. 951 of 2023

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Sitai Police Station Case No. 92 of 2023 dated 28.05.2023 under Sections 363/365/109 of the Indian Penal Code read with Sections 6/17 of the POCSO Act.

And

In Re : Mosharaf Miah @ Mosaraf Miya & Ors. petitioners

Mr. Sudip Guha

.....for the petitioners

Mr. Aditi Shankar Chakraborty, learned APP

Mr. Kallol Acharjee

Mr. Sagnik Sankar Sikder

....for the State

Mr. Sandip Guha Roy

.... for the de facto complainant

1. Heard the learned Counsels for the parties.

2. We have considered the materials on record. Further statement of the victim has been recorded. She stated there was a love affair between herself and the petitioner. In view of the aforesaid fact we are of the opinion custodial interrogation of the petitioner is not necessary and he may be granted anticipatory bail.

3. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of

Rs.10,000/- with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that he shall appear before the court below and pray for regular bail within a period of four weeks from date.

4. The application for anticipatory bail is, thus, allowed.

(Apurba Sinha Ray, J.)

(Joymalya Bagchi, J.)