

01.02.2024

03
Ct. No. 29
S.D.
Allowed

C.R.M.(A) 300 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Haroa** Police Station Case No. **448 of 2023** dated **23.11.2023** under Sections **363/365** of the Indian penal Code adding Section **376** of the Indian Penal Code and Section **6** of the POCSO Act and Section **10** of the Child Marriage Prohibition Act.

And

In Re: Subhajit Naskar @ Subha Naskar

..... petitioner

Mr. Kallol Kumar Basu

Md. Jannat Ul Firdous

....for the petitioner

Mr. Joydip Roy

Mr. Santanu Deb Roy

...for the State

Victim recorded a statement under Section 164 of the Cr.P.C. exonerating the petitioner.

Victim claims herself to be about 17 years of age.

Petitioner before us claims himself to be about 20 years of age.

Considering the age of the petitioner and the statement of the victim recorded under Section 164 of the Cr.P.C., it would be appropriate to enlarge the petitioner on anticipatory bail.

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. The petitioner will report before the Investigating Officer once a month till the conclusion of the investigation. The petitioner shall appear on every date before the Jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)