

06.02.2024

DL.46

Court No.29

(AD)

(Allowed)

C.R.M. (A) 318 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Berhampore** Police Station Case No.**1040 of 2023** dated **28.07.2023** under Sections **376/506/34** of the Indian Penal Code and Section **4** of the Protection of Children from Sexual Offences Act.(C. Special Case No.75 of 2023).

And

In the matter of: **Alamin Sk.**

....petitioner.

Mr. Tapodip Gupta

...for the petitioner.

Mr. Apurba Kumar Datta

... for the State.

Petitioner before us claims to be 26 years of age.

Minor recorded her statement under Section 164 of the Code of Criminal Procedure. She claims to be 16 years of age. Her age may be decided at the trial.

In her statement, minor claims that there was a relationship between her and the petitioner and that the parents of the petitioner knew about such relationship. Apparently, petitioner and the minor lived as husband and wife.

There is an issue of delay in the lodgment of the First Information Report also.

Keeping in view such materials in the case diary, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the Arresting Officer and subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will

report before the Investigating Officer once a fortnight till the conclusion of the investigation and on condition that 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 318 of 2024 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)