

07.02.2024
Item No.13
Ct. No. 29
CHC
Allowed

C.R.M.(A) 394 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Nowda** Police Station Case No. **400** of **2023** dated **14.12.2023** under Sections **363/365/34** of the Indian Penal Code, 1860.

And

In the matter of : Masum Rana Kabiraj & ors.

..... petitioners

Mr. Angshuman Chakraborty,
Mr. Anisur Rahman
....for the petitioners

Mr. Sujan Chatterjee
....for the State

Petitioners pray for anticipatory bail.

Victim recorded a statement under Section 164 of the Criminal Procedure Code where she claims that she went voluntarily with one Masum Rana Kabiraj (petitioner no.1). She also claims that physical relationship was with her consent.

Victim claims herself to be 16 years 8 months old.

Age of the victim may be determined at the trial.

Mother of the victim refused medical examination of the victim.

Petitioner nos.2 and 3 are not named in the statement of the victim.

In such conspectus, we grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand only) each, 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 further condition that the petitioner no.1 namely, Masum Rana Kabiraj and petitioner no.2, namely, Imadul Kabiraj will report before the Investigating Officer once in a week till the conclusion of investigation and petitioner no.3, namely, Jesminnahar Kabiraj @ Jesmin Nahar Kabiraj will cooperate with the investigation and on further condition that the petitioners 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 petitioners in Court including cancelling the anticipatory bail granted without further reference to this Court.

This application for anticipatory bail is, thus, allowed.

CRM(A) 394 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)