

13.02.2024

Serial no. 32

Anticipatory bail

[Allowed]

Dd

CRM (A) 437 of 2024

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Contai Women** Police Station Case No. **71** of **2023** dated **July 29, 2023** under Sections **363/365** of the Indian Penal Code, 1860 adding Section **376(2)(3)** of IPC read with Section **6 (i)** of POCSO Act..*

(G.R. Case No. 2083/2023)

-And-

*In the matter of : **Sk Saidul***

*... .. **Petitioner***

Mr. Himanshu De, sr. adv.

Mr. Navanil De,

Mr. Rajeshwar Chakraborty,

Mr. Srinjan Ghosh,

Mr. Subhrajit Dey,

Ms. Monami Mukherjee,

Ms. Shoumilya Mazumder, Advocates

... .. For the Petitioner

Mr. Sudip Ghosh,

Mr. MFA Begg, Advocate

... ..For the State

Affidavit-of-service filed in Court be taken on record.
Despite service, none appears for the victim.

Police initiated a suo motu case since the victim was apparently a minor and was diagnosed as pregnant.

Petitioner before us is the husband of such minor and they were living as husband and wife.

Age of the petitioner before us is apparently 25 years. Victim apparently was more than 16 years of age at the time of the incident.

Case diary suggests requirement of counselling rather than custodial interrogation.

Police filed charge sheet.

In such circumstances, 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 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 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.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 437 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)