

12.03.2024
Item No.17
Ct. No. 29
CHC
Allowed

C.R.M.(A) 719 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Howrah** Police Station Case No. **32/2024** dated **02/02/2024** under Sections **363/365** of the Indian Penal Code, 1860.

And

In the matter of : Rohit Mallick

..... petitioner

Mr. Arunava Ganguly
....for the petitioner

Mr. Rudradipta Nandy, Ld. A.P.P.
Mr. Subrato Roy
....for the State

Mr. Sabir Ahmed,
Ms. Dola Bhattacharya,
Ms. Suman Biswas
....for the de facto complainant

Pursuant to our order dated February 29, 2024, the victim recorded a statement under Section 164 of the Criminal Procedure Code where she claims that, she is an adult, born on January 4, 2004. She identified the medical facility at which she was born. She claims that, her father created fake birth certificate to show her as a minor. Her father is threatening her and her husband. She as an adult married the petitioner voluntarily.

In view of such statement made by the victim under Section 164 of the Criminal Procedure Code, 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 will report before the Investigating Officer once in a month till the conclusion of 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.

This application for anticipatory bail is, thus, allowed.

CRM(A) 719 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)