

05.03.2024
Item No.15
Ct. No. 29
CHC
Allowed

C.R.M.(A) 762 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Kaliachak** Police Station Case No. **1400/2023** dated **24.10.2023** under Sections **417/323/506/34** of the Indian Penal Code read with Section 6 of POCSO Act, 2012.

And

In the matter of : Sahid Alam

..... petitioner

Mr. Sujoy Sarkar,
Mr. Musharraf Alam Sk
Mr. Rahul Chachan,
Ms. Susmita Ghorai
....for the petitioner

Mr. Avishek Sinha
....for the State

Affidavit-of-service filed in Court be taken on record.

None appears for the de facto complainant.

Victim recorded her statement under Section 164 of the Criminal Procedure Code where she claims that she was in a relationship with the petitioner for a considerable period of time and that, there was physical relationship between them on the promise of marriage.

The age of the victim is claimed to be 17 years 11 months.

As on date, there is no document suggesting the age of the victim in the Case Diary.

Possibility of the victim being adult exist.

As to whether, petitioner entered into relationship on the parameters as claimed by the victim or not may be decided at the trial.

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 will report before the Investigating Officer once in a fortnight 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) 762 of 2024 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)