

27.03.2024  
08  
0Ct. No. 29  
S.D.  
Allowed

C.R.M.(A) 1031 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Tapan** Police Station Case No. **744** of **2023** dated **19.12.2023** under Section **363** of the Indian Penal Code and adding Section **365** of the Indian Penal Code and Section **6** of the Protection of Children from Sexual Offences Act read with Sections 9/10/11 of Child Marriage Restraint Act, 2012 pending before the learned Special Judge (under POCSO) Act), Additional District Judge, 2<sup>nd</sup> Court at Balurghat, Dakshin Dinajpur.

And

In Re : **Ananda Sarkar @ Pritam Sarkar**  
..... petitioner  
Mr. Kaushik Chowdhury  
Ms. Busra Khatoon  
...for the petitioner  
Ms. Faria Hossain  
Mr. Atanu Ghosh  
...for the State

Leave is granted to the learned advocate for the petitioner to correct the cause title.

We perused the statement of the victim under Section 164 of the Cr.P.C. The victim claims in such statement that the petitioner before us was her boy friend and she went voluntarily with the petitioner and married him.

On a query from the Court, learned advocate appearing for the petitioner submits that, the petitioner is 22 years of age.

Victim refused to undergo any medical examination.

Considering the statement of the victim and the materials in the case diary as well as the age of the petitioner, we deem it appropriate to 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/-, 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. The petitioner will report before the Investigating Officer once a fortnight till the conclusion of the investigation. 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.

**(Debangsu Basak, J.)**

**(Md. Shabbar Rashidi, J.)**