

02.04.2024

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S.D./A.D.

Allowed

C.R.M. (A) No. 1100 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Jalangi Police Station Case No. 399 of 2023 dated 05.12.2023 under Sections 363/365/34 of the Indian Penal Code adding Sections 4/6 of the Protection of Children from Sexual Act pending before the learned Judge, Special Court under POCSO Act, Berhampore, Murshidabad.

And

In Re : Meheubub Hasan @ Dani petitioner

Mr. Jisan Iqbal Hossain
.....for the petitioner

Ms. Minoti Gomes
...for the defacto-complainant

Mr. Sudip Kumar
Ms. Puspita Saha
....for the State

1. Petitioner submits there is a romantic relationship between the parties. He was falsely implicated. He prays for anticipatory bail.
2. Learned Lawyer for the State produces the Case diary.
3. Learned Lawyer for the defacto-complainant submits the victim is a minor. However, he admits there is a romantic relationship between the parties and he is agreeable to the marriage after victim attains majority.
4. We have considered the materials on record including the statement of the victim. It appears there is a romantic relationship between two young persons. Statement of the victim also corroborates this fact. Father of the

victim does not oppose the prayer for anticipatory bail and states he is agreeable to marriage once the victim attains majority.

5. In view of the aforesaid circumstances, we are of the opinion no worthwhile purpose would be served in arresting the petitioner.
6. Accordingly, we are inclined to grant anticipatory bail to the petitioner.
7. 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 and on condition that he shall appear before the Jurisdictional Court and pray for regular bail within a period of four weeks from date.
8. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)