

22.4.2024
SL No. 366
Ct No. 29
Srimanta /SB

C.R.M. (A) 1344 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **English Bazar** P.S. Case No. 2147 of 2023 dated 26.12.2023 under Sections 363/365 and Section 6 of POCSO.

And

In the matter of: Tanmay Gour @ Tanmoy

....Petitioner

Mr. Amitabha Karmakar,
Mr. Arup Kumar Bhowmick

...for the Petitioner

Mr. Arindam Sen,
Mr. Asraf Mandal

...for the State

1. Survivor was recovered and recorded a statement under Section 164 of the Code of Criminal Procedure. In such statement survivor claims that she left with the petitioner voluntarily. She does not implicate the petitioner in any sexual assault on her.
2. Survivor was examined medically on her recovery whereupon Doctor did not find any sign of injury or forcible penetration.
3. Petitioner is about twenty two years of age.
4. In view of the materials in the Case Diary and the age of the petitioner, placing the petitioner in custody at this stage may be inimical to the petitioner.
5. In such circumstances, we grant anticipatory bail to the petitioner.
6. 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 shall appear before the Investigating Officer once in a week 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.

7. This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)