

15.05.2024
Court No.08
Item No. 05
Allowed

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CRM (A) 1697 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Magra Police Station Case No. 153 of 2024 dated 08.04.2024 corresponding to G.R. Case No. 1158 of 2024 under Sections 363/365 of the Indian Penal Code.

And

In Re: **Liton Ojha**

Petitioner

Mr. Ujjal Ray

For the Petitioner

Mr. Madhusudan Sur, Ld. APP

Mr. Arijit Ganguly

Mr. Koushik Kundu

For the State

Mr. Debangshu Bandu

For the Victim Girl

1. Learned counsel for the petitioner submits that the petitioner is well-wisher of the victim girl and he has been falsely implicated in the instant case.
2. Learned counsel for the State in opposing the prayer for anticipatory bail has submitted that the victim girl, the daughter of the de-facto complainant, is personally present in Court may be directed to record her statement before the jurisdictional Court under Section 164 Cr.P.C.
3. Mr. Debangshu Bandhu, learned counsel representing the victim girl, undertakes to file Voklatnama in the department in course of the day.

4. The victim girl has furnished her details in a separate paper, namely, the present place of residence, contact number etc. and the same has been duly signed by her in Court and shall form part and parcel of the order.
5. Considering the materials available in the case diary and the nature of involvement of the petitioner in the commission of alleged offence and more over having regard to the fact that the victim girl is present in court and through her counsel she has submitted that she left the house voluntarily, we are of the view that custodial interrogation of the petitioner is not necessary.
6. Accordingly, we direct that in the event of arrest, the petitioner shall be released on bail upon furnishing a bond of Rs.5,000/-, with two registered sureties of like amount each, one of whom must be local, subject to the satisfaction of the Arresting Officer and also to comply with the conditions as laid down in Section 438(2) of the Code of Criminal Procedure, 1973. The petitioner shall meet the Investigating Officer once in a week till the submission of the final report and shall not leave the territorial jurisdiction, except with the permission of the learned Trial Court till the submission of the final report.
7. It is further ordered that the victim girl shall record her statement under Section 164 Cr.P.C before the jurisdictional Magistrate where she is presently residing within one week from date. The Officer-in-Charge of the concerned police station, where the victim girl is presently residing, shall make all necessary arrangement for recording her statement and forward her statement to the Officer-in-Charge of Mogra Police Station forthwith.
8. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

9. CRM (A) 1697 of 2024 is, thus, disposed of.

10. All parties shall act on the server copies of this order duly downloaded from the official *website* of this Court.

(Soumen Sen, J)

(Uday Kumar , J)