

**11.06.2024**

Court No.29

Item No. 05

**Allowed**

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## **CRM (A) 1811 of 2024**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Chandrakona Police Station Case No. 533 of 2022 dated 17.12.2022 corresponding to G.R Case No. 1492 of 2022 under Sections 376(2)(n)/363/366/34 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re: **Monoj Dolai**

Petitioner

Mr. Tapan Dutta Gupta

Mr. Sayantan Halder

For the Petitioner

Mr. Avishek Sinha

Mr. Nahid Ahmed

For the State

Mr. Parvej Anam

Ms. Rituparna Ghosh

For the De-facto Complainant

1. In view of the statement of the victim recorded under Section 164 Cr.P.C and the fact that the petitioner and the victim are presently residing together and a child is born out of their wedlock.
2. Learned counsel for the State has not opposed the prayer for anticipatory bail.
3. Considering the above and the charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioner is not necessary.
4. Accordingly, we direct that in the event of arrest, the petitioner namely, **Monoj Dolai** shall be released on bail upon furnishing a bond of Rs.2,500/-, with one surety of like amount, 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.

5. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.
6. 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)**