

08.07.2024  
SL No.27  
Court No.29  
(gc)  
(Allowed)

**CRM (A) 2209 of 2024**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Bishnupur Police Station Case No.496 of 2024 dated 06.05.2024 under Sections 376(2)(n)/506 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In the matter of : **Kalid Hossain Gazi @ Badsha Gazi**

- Petitioner.

Mr. Aniket Mitra,  
Mr. Sudipto Das,  
Mr. Sayan Dutta

....For the Petitioner.

Mr. R. Ahmed Khan

....For the De facto Complainant.

Mr. Arnab Chatterjee,  
Mr. Aritra Bhattacharya

... For the State.

1. The learned Counsel for the petitioner submits that the petitioner is in love relationship with the victim and is willing to marry the victim upon the victim attaining the age of majority.
2. The learned Counsel for the de facto complainant in opposing the prayer has submitted that the victim is almost seventeen and half years as on date and the offence is heinous.
3. The learned Counsel for the State has produced the case diary and the statement of the victim recorded under Section 164 of the Cr.P.C.
4. Considering the materials available in the case diary, the statement of the victim recorded under Section 164 of the Cr.P.C. and that the petitioner has promised to marry the victim

on attaining the age of majority, which is evident from the statement made in Paragraph 8 of the petition, we are of the view that the custodial interrogation of the petitioner is not necessary.

5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Kalid Hossain Gazi @ Badsha Gazi** shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973. It is further directed that the petitioner shall meet the Investigating Officer once in a week till the submission of the final report. It is also directed that the petitioner shall appear before the learned Special Judge (POCSO), Alipore cum learned 2<sup>nd</sup> Additional Sessions Judge, Alipore in connection with Special Case No.151 of 2024 and pray for regular bail within two weeks from date.
6. Accordingly, the application for anticipatory bail is disposed of.
7. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

**(Soumen Sen, J.)**

**(Uday Kumar, J.)**