

09.07.2024
SL No.38
Court No.29
(gc)
(Allowed)

CRM (A) 2251 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure filed in connection with Hariharpara Police Station Case No.561 of 2023 dated 19.12.2023 under Sections 363/365/34 of the Indian Penal Code, 1860, subsequently charge sheet was submitted under Sections 363/365/34/376(3) of the Indian Penal Code and under Section 6 of the POCSO Act.

And

In the matter of : **Abdul Gaffar Mondal**

- Petitioner.

Mr. Sujoy Sarkar,
Ms. Sneha Srivastava

....For the Petitioner.

Mr. Arnab Chatterjee,
Ms. Dhanasree Biswas,
Ms. Poulomi Bose

....For the De facto Complainant.

Ms. Zareen N. Khan,
Mr. M.F.A. Beg

... For the State.

1. The learned Counsel for the petitioner has candidly submitted that this is the second application for the anticipatory bail. The earlier application was dismissed as not pressed.
2. The learned Counsel for the de facto complainant has submitted that the families of the de facto complainant and the petitioner have resolved their dispute and the petitioner is willing to marry the victim after she becomes major.
3. The learned Counsel for the de facto complainant has on instruction submitted that he has received a clear instruction from the parents of the victim that in view of the fact that both

the families have agreed to the marriage, this application may be considered with compassionate.

4. The petitioner is presently 22 years old and the victim is 16 years 7 months old. The statement of the victim also records that they were having a love relationship.
5. Considering the aforesaid facts and the welfare of the petitioner as well as the victim, we allow this application for anticipatory bail.
6. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Abdul Gaffar Mondal**, shall be released on bail upon furnishing a bond of Rs.5,000/-, with two registered sureties of like amount each, 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 appear before the learned Judge, Special Court, under POCSO Act at Berhampore, Murshidabad in connection with Case No.C/Spl - 3 of 2024 within two weeks from date.
7. Accordingly, the application for anticipatory bail is disposed of.
8. 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.)