

19.8.2024
SL Nos. 7
Ct No. 29
SB

CRM (A) 2602 of 2024

In Re : An application for anticipatory bail under Section 438 of the Code of Criminal Procedure / Section 482 of B.N.S.S. Act, 2023 filed in connection with Ghatal Police Station F.I.R. No. 98 of 2024 dated 22.3.2024 under Sections 363/365/34 of Indian Penal Code added Section 6 of the POCSO Act.

And

Subrata Dolai

Vs.

The State of West Bengal & Anr.

Mr. Sayantan Hazra ... for the Petitioner

Ms. Rituparna Ghosh
Ms. Debolina Das ... for the State

1. Affidavit of service is taken on record.
2. In spite of service no one appears on behalf of the victim.
3. Heard the learned advocates for the parties.
4. Learned counsel appearing for the petitioner submits that a false complaint has been lodged by the parents of the victim as they were not accepting their relationship.
5. Learned counsel appearing for the State produced the case diary.
6. Considering the materials available in the case diary and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure exonerating the petitioner of the alleged offence and that she has refused medical examination, we are of the view that custodial interrogation of the petitioner is not necessary.
7. Accordingly, we direct that in the event of arrest, the petitioner namely, Subrata Dolai. shall be released on bail upon furnishing a bond of Rs.10,000/- 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. Petitioner shall meet the Investigating Officer once in a week till the submission of the final report.

8. It is further directed that the present petitioner shall appear before the learned Additional Chief Judicial Magistrate, Ghatal, Paschim Medinipur in connection with G.R. Case No. 264 of 2024 within two weeks from date and pray for regular bail.
9. 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
10. Accordingly, the application for anticipatory bail is disposed of.
11. 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.)