

01.08.2024

Court No.29

Item No.23

Allowed

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CRM (A) 2603 of 2024

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure corresponding to 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Chandrakona Police Station Case No. 336 of 2023 dated 27.09.2023 corresponding to G.R Case No. 1037 of 2023 under Sections 363/365/34 of the Indian Penal Code,1860 read with Section 6 of the POCSO Act.

And

In Re: **Sri Kush Maji**

Petitioner

Mr. Sudip Kushari

For the Petitioner

Mr. Sandip Chakraborty

Ms. Dhanasree Biswas

For the State

Mr. Kunal Ganguly

For the Victim

1. We have heard the learned counsel appearing for the parties.
2. Considering the materials available in the case diary and the statement of the victim recorded under Section 164 Cr.P.C and having regard to the fact that the victim has attained majority and married the petitioner, we are of the view that the custodial interrogation of the petitioner is not necessary.
3. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sri Kush Maji** shall be released on bail upon furnishing a bond of Rs.2,500/-, with one registered surety, 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 month till the submission of the final report. In the event of non-compliance of any of the conditions, the anticipatory bail shall stand automatically cancelled without any further reference to this Court.

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