

12.08.2024

Court No.29

Item No. 11

Allowed

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CRM (A) 2611 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 Nandigram Police Station Case No. 84 of 2024 dated 12.02.2024 corresponding to G.R Case No. 276 of 2024 under Sections 363/366/506/34 of the Indian Penal Code.

And

In Re: **Sk. Rahejul @ Sk. Rahajul**

Petitioner

Mr. Navanil De

Mr. Subhrajit Dey

For the Petitioner

Mr. Saumik Ganguly

Ms. Eshita Dutta

For the State

Mr. Anasuya Bhattacharya

For the De-facto Complainant

1. The Child Counselling report for the month of February, 2024 of the Chief Welfare Officer is produced before us. We have considered the said report along with the State of the victim recorded under Section 164 Cr.P.C.
2. According to the victim, she has developed an emotional attachment with the present petitioner, which was not liked by her mother. She was kept with the house of one of the relatives of the petitioner at Chowronghee on 5th February, 2024. The report of the CWO has stated that the petitioner and the victim had developed physical relationship. However, the victim has refused to medical examination. In the statement recorded under Section 164 Cr.P.C, the victim did not mention about the physical relationship with the petitioner and on the contrary, she has stated that the

petitioner did not marry her as she is minor and he used to stay separately when she was kept in relative's house.

3. Under such circumstances, the offence under Sections 363 and 366 Cr.P.C have not been made. Moreover, the victim has returned to her parents.
4. Considering the materials available in the case diary, the statement of the victim recorded under Section 164 Cr.P.C and the fact that the charge-sheet has already been filed, we are of the view that custodial interrogation of the petitioner is not necessary.
5. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Sk. Rahejul @ Sk. Rahajul** shall be released on bail upon furnishing a bond of Rs.3,000/-, with two registered sureties of like amount each, 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 and on further condition that the petitioner shall appear before the learned Additional Chief Judicial Magistrate, Haldia at Purba Midnapore, corresponding to G.R. Case No. 276 of 2024 within two weeks from date and the petitioner shall not intimidate the witnesses or tamper with evidence in any manner whatsoever. It is further ordered that the petitioner shall appear on every date before the aforesaid Court on and from the date fixed for appearance of the accused. 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.
6. Accordingly, the prayer for anticipatory bail of the petitioner is allowed and the same is accordingly disposed of.

7. 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)