

03.09.2024
SL No.42
Court No.29
(gc)
(Allowed)

CRM (A) 3031 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Kharagpur Local Police Station Case No.492 of 2024 dated 19.06.2024 under Sections 363/365/34 of the Indian Penal Code and added Section 376(2) of the Indian Penal Code and Section 6 of the POCSO Act.

And

In the matter of : **Mayna Dolai @ Sudhanshu Dolai**

- Petitioner.

Mr. Shahen Shah,
Mr. Aninda Bhattacharya,
Mr. Umenun Khan

....For the Petitioner.

Mr. Madhusudan Sur, Ld. A.P.P.,
Mr. Mainak Gupta

... For the State.

1. In spite of service, the de facto complainant is not represented.
2. The affidavit of service is taken on record.
3. The learned Counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated.
4. The learned Counsel for the State in opposing the prayer for anticipatory bail has referred to the statement of the victim and the medical report.
5. We have carefully read the statement of the victim and the FIR.

It appears that the victim was in love relationship with the petitioner and the FIR shows that the allegation against the petitioner was that the daughter of the complainant eloped with the petitioner. The petitioner is 18 years' old. The medical report does not show any injury.

6. Considering the aforesaid fact and the age of the petitioner, 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, **Mayna Dolai @ Sudhanshu Dolai**, shall be released on bail upon furnishing a bond of Rs.5,000/-, with one surety of like amount, 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 corresponding to Section 482(2) of the BNSS, 2023 and on further condition that the petitioner shall meet the I.O. as and when required.
8. It is further directed that the petitioner shall appear before the - learned Additional District and Sessions Judge, 2nd Court, Paschim Medinipur (specially designated under the POCSO Act, 2012), in connection with POCSO Case No.83 of 2024 within two weeks from date.
9. Accordingly, the application for anticipatory bail is disposed of.
10. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Soumen Sen, J.)

(Shampa Dutt (Paul), J.)