

13.09.2024

Court No.29

Item No 09

Allowed

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CRM (A) 3032 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Islampur Police Station Case No. 763 of 2024 dated 07.08.2024 corresponding to POCSO Case No. 61 of 2024 under Sections 126(2)/74 of the Bharatiya Nyaya Sanhita, 2023 read with Sections 8/12 of the Protection of Children from Sexual Offences Act, 2012.

In Re: Niladri Roy @ Raza

Petitioner

Mr. Sagnik Mukherjee

Mr. A. Karim For the Petitioner

Mr. Arnab Chatterjee

Ms. Paramita Sahu For the State

Mr. Soham Banerjee

For the De-facto Complainant
(appointed by HCLSC)

1. Learned counsel for the petitioner submits that the petitioner was in love relationship with the victim and has referred to the Whatsapp messages exchanged between the parties during their relationship mentioned in the supplementary affidavit. A copy of the said supplementary affidavit has also been served upon the victim.
2. Learned counsel for the State and the victim have opposed the prayer for anticipatory bail.
3. Learned counsel for the State has referred to the statement of the victim recorded under Section 164 Cr.P.C.
4. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of the alleged offence and prima facie, it discloses a friendly relationship between the parties, 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, **Niladri Roy @ Raza** shall be released on bail upon furnishing a bond of Rs.10,000/-, 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 corresponding to Section 482(2) of the BNSS, 2023. The petitioner shall meet the I.O as and when required till the submission of the final report and on further condition that the petitioner shall appear before the **learned Special Judge, POCSO Court, Islampur**, within two weeks from date in connection with **POCSO Case No. 61 of 2024**. 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)

(Prasenjit Biswas, J)

