

01.10.2024
AD-39
Court No.29
TN
(Allowed)

CRM (A) 3513 of 2024

In Re:- An application under Section 438 of the Code of Criminal Procedure, 1973 corresponding to Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 filed in connection with Mandir Bazar Police Station Case No. 289 of 2024 dated 02.07.2024 under Sections 417/376(2)(N)/506/34 of the IPC, 1860 and under Sections 4/6 of the POCSO Act.

And

In the matter of: **Rajibul Islam Molla**

.... petitioner

Mr. S. Ganguli,
Mr. S. Mondal,
Mr. S. Shashwat

....for the petitioner

Mr. Binay Kr. Panda,
Mr. Tapas Kumar Saha

....for the State

Mr. R. P. Motilal,
Mr. Pabitra Biswas

....for the *de facto* complainant

1. The petitioner is 18 years old and the victim appears to be 17 years old. From the statement of the victim as recorded under Section 164 of the Code of Criminal Procedure, it appears that they were in love relationship. However, over an incident happened when the petitioner was returning home from the place of the victim with the local people that the relationship between the two families became sour and unpleasant.
2. Considering the materials available in the case diary and the nature and extent of complicity of the petitioner in the commission of the alleged offence and also taking into consideration the circumstance under which the FIR was

lodged and the age of the present petitioner, we are of the view that custodial interrogation of the petitioner is not necessary.

3. Accordingly, we direct that in the event of arrest, the petitioner, namely, **Rajibul Islam Molla** shall be released on bail upon furnishing a bond of Rs.5,000/-, with two sureties of like amount each, 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, corresponding to Section 482(2) of the BNSS, 2023.
4. The petitioner shall meet the Investigating Officer once in a fortnight till submission of the final report.
5. It is further directed that the present accused petitioner shall appear before the learned Additional Sessions Judge at Diamond Harbour, South 24 Parganas by 8th October, 2024.
6. Accordingly, the application for anticipatory bail is disposed of.
7. 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.)