

03.10.2024
Court No.29
Item No. 39

Allowed

sg

CRM (A) 3541 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure read with Section \ 482 of Bhartiya Nagrik Suraksha Sanhita, in connection with Hariharpara Police Station Case No. 367 of 2024 dated 14.06.2024 under Sections 363/365/34 of the Indian Penal Code and Section 4 of POCSO Act, pending before the learned Additional Chief Judicial Magistrate, Berhampur, Murshidabad.

And

In Re: **Maman Sk. @ Mustafijur Rahaman Mondal**
Petitioner

Mr. Sabyasachi Chatterjee
Mr. Debabrata Mondal
Mr. Badrul Karim

For the Petitioner

Mr. Debasish Roy, Ld. PP
Mir Anuruzzaman
Mr. Arabinda Manna

For the State

Mr. Nirmalendu Bera
Mr. Dinesh Ch. Mondal
Ms. Gopa Das

For the defacto complainant

1. We have heard the learned Counsel for the parties.
2. It appears from the record that the petitioner is in a love relationship with the victim and during such relationship, the victim became conceived.
3. The learned Counsel for the State has opposed the prayer and has submitted that the victim is minor. The case diary is produced.
4. The learned Counsel for the defacto complainant submits that both the families have accepted the relationship and the father of the present petitioner has been granted bail by the learned Special Judge. The learned Counsel for the defacto complainant does not oppose the prayer for anticipatory bail

having regard to the future of the petitioner and his daughter and the fact that they have accepted their relationship.

5. Considering the materials available in the case diary, the nature and extent of complicity of the petitioner in the commission of alleged offence and the statement of the victim which is exonerating in nature and also considering the welfare of the petitioner as well as the victim and in view of the fact that the charge sheet has already been submitted, we are of the view that the custodial interrogation of the present petitioner is not necessary.
6. Accordingly, we direct that in the event of arrest, the present petitioners, namely, **Maman Sk. @ Mustafijur Rahaman Mondal**, shall be released on bail upon furnishing a bond of Rs.2,000/-, with one registered sureties 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 Bharatiya Nagarik Suraksha Sanhita and. The petitioner shall appear before the learned jurisdictional Court on each and every date of hearing.
7. Accordingly, the prayer for anticipatory bail of the petitioner is allowed.
8. 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.)