

04.10.2024
SL No.33
Court No.29
(gc)
(Allowed)

CRM (A) 3571 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Garhbeta Police Station Case No.216 of 2024 dated 16.07.2024 under Section 64 of the Bharatiya Nyaya Sanhita, 2023 read with Section 6 of the POCSO Act.

And

In the matter of : **Krishna Das**

.... Petitioner.

Mr. Arnab Chatterjee,
Mr. Sourav Mukherjee
....For the Petitioner.

Mr. Ashok Das
... For the State.

Mr. Sujoy Sarkar
....For the De facto Complainant.

1. On *suo motu* complaint lodged by the Medical Officer, a case has been registered against the present petitioner of having physical relationship with the minor.
2. We have heard the learned Counsel for the parties and also have carefully read the statement of the victim recorded under Section 164 Cr.P.C. The case diary reveals of a love relationship between the petitioner and the victim girl and out of such relationship, the victim had given birth to a child. There is no allegation of any mental or physical torture upon the victim by the petitioner.
3. It is submitted on behalf of the de facto complainant that the petitioner has taken good care of the victim whom she married and the petitioner is also taking adequate care of the new born

child. It is further submitted that the Aadhar Card of the victim may not reflect the actual date of birth or age of the victim.

4. Considering the aforesaid facts and keeping in mind that if the petitioner is taken into custody, there will be irretrievable breakdown of their relationship and it may not be in the welfare of the victim and the child, 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, **Krishna Das**, shall be released on bail upon furnishing a bond of Rs.5,000/-, with two registered sureties of like amount each, to the satisfaction of the arresting officer and also subject to the conditions as laid down under Section 482(2) of the BNSS, 2023 and on further condition that the petitioner shall meet the I.O. as and when required till the submission of the final report.
6. It is further directed that the petitioner shall appear before the learned Additional District and Sessions Judge, Special Court under POCSO Act, Paschim Medinipur in connection with POCSO Case No.97 of 2024 on or before 8th October, 2024.
7. Accordingly, the application for anticipatory bail is disposed of.
8. 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.)