

09.12.2024

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Allowed

C.R.M. (A) No. 4171 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Berhampore Police Station Case No. 1508 of 2023 dated 16.10.2023 under Sections 363/365/34 of the Indian Penal Code with adding Section 376 of the Indian Penal Code and Sections 4/6 of the POCSO Act.

And

In Re : Hedaitul Sk. @ Hedai Sk. petitioner

Ms. Shabana Hasin

.....for the petitioner

Mr. Rudradipta Nandy, learned APP

Ms. Nandini Chatterjee

....for the State

Mr. Manas Kumar Das

Mr. Aritra Kumar Thokdar

.... for the de facto complainant

1. Learned Counsel for the petitioner submits there was a romantic relationship between two young persons. Petitioner proposes to marry the victim after she attains majority.

2. This is not disputed by the learned Counsel for the *de facto complainant*.

3. Learned Counsel for the State produces the case diary.

4. We have considered the statement of the minor victim. Her statement discloses cohabitation between the parties. However, they propose to marry each other after the

victim attains majority. In view of the aforesaid development, we are inclined to grant anticipatory bail to the petitioner.

5. Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/-, with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on condition that he shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

6. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)