

01.02.2024

Serial no. ML 643

Anticipatory bail

[Allowed]

Dd

CRM (A) 5366 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Garfa** Police Station Case No. **199** of **2023** dated **03.09.2023** under Section **6** of the POCSO Act read with Section **9** of the Protection of Child marriage Act and Section **376(2)(n)(3)** of IPC.*

-And-

*In the matter of : **Ranajit Halder** **Petitioner***

*Mr. Ayan Podder,
Mr. Soham Dutta, Advocate
... .. For the Petitioner*

*Ms. Faria Hossain,
Mr. Kutubuddin, Advocates
... ..For the State*

*Mr. Ayan Dutta,
Ms. Khusboo Ruia, Advocate
... ..For the victim girl*

It is contended that the petitioner before us was a minor at the time when the offence is said to be committed.

Victim recorded a statement under Section 164 of the Criminal Procedure Code which is essentially one of exoneration.

Victim is represented in Court.

In answer to a query of the Court, it is submitted on behalf of the victim that, she is not opposing the prayer for grant of anticipatory bail of the petitioner.

State is represented.

In such conspectus, we grant anticipatory bail to the petitioner keeping the age of the petitioner in mind. Putting the petitioner in custody at his age may affect his mental health adversely.

Accordingly, we direct that in the event of arrest the petitioner shall be released on bail upon furnishing a bond of Rs.10,000/- (Rupees Ten Thousand Only), with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall report before the Investigating Officer once in a month till the conclusion of the investigation and on further condition that the petitioner shall appear on every date before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Prayer for anticipatory bail of the petitioner is **allowed**.

CRM (A) 5366 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)