

01.02.2024
ML.661
Court No.29
(AD)
(Allowed)

C.R.M. (A) 5384 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Balurghat Women** Police Station Case No.**88 of 2023** dated **22.09.2023** under Sections **417/376/109/34** of the Indian Penal Code with added Section **6** of the Protection of Children from Sexual Offences Act. (Special Case No.72 of 2023).

And

In the matter of: **Nayan Kumar Mahata**

....petitioner.

Mr. Biswajit Manna

...for the petitioner.

Mr. Debashish Roy, Ld. PP
Mr. Soumik Ganguli

... for the State.

Affidavit of service filed in Court be taken on record.

None appears for the de facto complainant.

Victim recorded her statement under Section 164 of the Code of Criminal Procedure where she claims that, she knew the petitioner since Class-XII when she was a minor. She claimed that physical relationship was entered into since then on the promise of marriage. When the police complaint was lodged, the victim was about 27 years of age. Victim continued with consensual relationship subsequent to her attending adulthood.

As to whether, the relationship was on the parameter as claimed by the victim or not, can be decided at the trial.

In such circumstances, we grant anticipatory bail to the petitioner.

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 subject

to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner will report before the Investigating Officer once a month till the conclusion of the investigation and on 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.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

C.R.M. (A) 5384 of 2023 is, thus, disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)