

02.02.2024

Serial no. ML 742

Anticipatory bail

[Allowed]

Dd

CRM (A) 5465 of 2023

*In re : An Application for **Anticipatory Bail** under Section **438** of the Code of Criminal Procedure in connection with **Gangarampur** Police Station Case No. **281** of **2023** dated **18.06.2023** under Sections **363/365/34** of the Indian Penal Code, 1860 read with Section **6** POCSO Act, 2012.
(Special Case No. 29/2023)*

-And-

*In the matter of : **Rajib Roy***

*... .. **Petitioner***

*Mr. Kaushik Chowdhury
Ms. Busra Khatoon, Advocates
... .. For the Petitioner*

*Mr. Pinak Kr. Mitra, Advocate
... ..For the State*

*Ms. Jenia Rudra, Advocate
... ..For the de facto complainant*

Affidavit-of-service filed in Court be taken on record.

Victim recorded three statements. Two were recorded under Section 161 of the Criminal Procedure Code and one under Section 164 thereof.

Statements recorded are at variance with each other.

Victim is more than 17 years of age. Age of the victim may be decided at the trial.

Victim claims that she was abducted from Dakshin Dinajpur and taken to Delhi. Chain of events suggests that there were public interference in the whole process of so-called abduction. Apparently, the victim did not seek any help from the public in the process.

Given the materials in the case diary, 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 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 fortnight 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) 5465 of 2023 is disposed of.

(Debangsu Basak, J.)

(Md. Shabbar Rashidi, J.)