

12.08.2024
Court No.1
SL No.22
pk/AP

**HIGH COURT AT CALCUTTA
CIRCUIT BENCH AT JALPAIGURI**

CRM(A) 513 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Boxirhat** P.S. Case No.**183 of 2024** dated **25.04.2024** under Sections **363/365/34** of the Indian Penal Code and Section **4** of the POCSO Act.

And

In the matter of: **Krishna Das**

....Petitioner.

Mr. Hillol Saha Podder

...for the petitioner.

Mr. Aditi Shankar Chakraborty

Mr. Abhijit Sarkar

Mr. Arjun Chowdhury

...for the State.

1. The application for anticipatory bail is sought on the ground that the petitioner and the victim were having a love affair.

2. It appears from the statement recorded under Section 164 of the CrPC that the victim voluntarily visited the petitioner, who took him to her sister's house where there was voluntary relations with the petitioner. The victim in her statement has not mentioned any physical relations much less use of any force by the petitioner. The victim is admittedly above 16 years at the time of incident. The complainant is the mother of the victim.

3. In the facts and circumstances of the case, this Court is of the view that the allegation in the complaint may not have been established.

4. In the above circumstances, this Court is inclined to grant anticipatory bail to the petitioner.

5. In the event of arrest, the petitioner shall be released on bail upon furnishing a Bond of Rs.2,000/- 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 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall cooperate with the investigation and on further condition that the petitioner shall appear before the court below and pray for regular bail within a fortnight from date.

6. In the event the petitioner fails to comply with the aforesaid conditions as enshrined hereinabove, the bail of the petitioner shall automatically stand cancelled without any further reference to this Court.

7. The application for anticipatory bail is, thus, disposed of.

(Rajasekhar Mantha, J.)

(Ajay Kumar Gupta, J.)