

16.08.2024.

Item No. 26

Court No.1

ap

*CALCUTTA HIGH COURT
IN THE CIRCUIT BENCH AT JALPAIGURI
APPELLATE SIDE*

C.R.M. (A) No. 555 of 2024

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 filed on 19.07.2024 in connection with Ghoskadanga Police Station Case No. 223 of 2024 dated 14.05.2024 under Sections 363/365/109 of the Indian Penal Code read with Section 12 of the POCSO Act.

And

In the matter of: **Masum Hossain.** ..Petitioner

Mr. Debajit Kundu. ...For the petitioner

Mr. Nilay Chakraborty, ld. APP,
Mr. Tapan Bhattacharjee.For the State

1. The application for anticipatory bail is canvassed on the ground that the victim voluntarily accompanied the petitioner and stayed away from her house. The complaint was lodged fourteen days' after the incident.

2. It appears from the records that the victim 16 years of age was having a love affair with the petitioner. Both the families were opposed to the alliance since they were from different religion. Prior to lodging of the complaint, the petitioner's father was assaulted by the victim's father.

3. A complaint has been lodged in this regard and is registered as FIR being Ghoskadanga Police Station Case No. 224 of 2024 dated 14.05.2024 under Sections 341/325/506/34 of the Indian Penal Code.

4. In the facts of the case, this Court is of the view that the petitioner has made out a case for anticipatory bail.

5. It is directed that in the event of arrest, the petitioner shall be released on bail to the satisfaction of the arresting officer upon furnishing a Bond of Rs.10,000/-, with two sureties of Rs.5,000/- each, one of whom must be local subject to the conditions that the petitioner shall meet the Investigating Officer of the case as and when summoned and shall not leave the territorial jurisdiction of Ghoskadanga Police Station without the prior permission of the Investigating Officer of the case except for attending the Court proceedings.

6. This order is subject to the conditions laid down in sub-section (2) of Section 438 of the Code of Criminal Procedure corresponding to Section 482(2) of the BNSS, 2023.

7. The Case Diary be returned.

8. C.R.M. (A) No. 555 of 2024 is, thus, disposed of.

9. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Ajay Kumar Gupta, J.)

(Rajasekhar Mantha, J.)

