

19.08.2024
Court No.1
SL No.21
pk/sb

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

CRM(A) 595 of 2024

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mekhliganj** P.S. Case No.**230 of 2024** dated **18.06.2024** under Section **6** of the POCSO Act, 2012.

And

In the matter of: **Dipak Basak**

....Petitioner.

Mr. Sourav Ganguly,
Mr. Bibek Tarafder

...for the petitioner.

Mr. Aditi Shankar Chakraborty,
Mr. Aniruddha Biswas

...for the State.

Ms. Rishita Chakraborty

... for the victim girl.

1. The application for anticipatory bail is made on the ground that the victim girl, who is present in Court, was already married to the petitioner. She was pregnant and visited the local hospital. Upon discovery of her age, the Hospital Authority has referred the matter to the Police.

2. The learned counsel for the State opposes the prayer for anticipatory bail.

3. This Court has considered the case diary and the statements of the victim girl and her mother recorded under Section 164 of the Cr. P. C. It appears that although the victim girl is minor, she had a love affair with the petitioner and has

been continuously residing with the petitioner like husband wife. The mother of the victim girl has accepted the decision of the victim girl.

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.1,000/- with one surety of like amount, 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 conditions that the petitioner shall cooperate with the investigation and 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.)

(Ajoy Kumar Mukherjee, J.)