

11.03.2025
Item No.42
Ct. No. 26
CHC
Allowed

C.R.M.(A) 774 of 2025

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023, in connection with **Chanchal** Police Station Case No. **1466** of **2022** dated **18.12.2022** under Section **6** of the POCSO Act, pending before the Learned Additional District and Sessions Judge, Special Court, Malda in Special Case No.109/2022.

And

In the matter of : Saju Ali

..... petitioner

Mr. Arup Kumar Bhowmick
....for the petitioner

Mrs. Manisha Sharma, Advocate
Mr. Mainak Gupta, Advocate
....for the State

1. Despite service none appears for the de facto complainant.
2. Petitioner prays for anticipatory bail.
3. Learned Advocate appearing for the petitioner submits that, the petitioner is about 21 years of age, and the victim in excess of 17 years. There was relationship between the petitioner and the victim. Police filed charge sheet and therefore, further detention of the petitioner is not required.
4. Learned advocate appearing for the State draws the attention of the Court to the materials in the Case Diary including the statement of the victim recorded under Section 164 of the Criminal Procedure Code.

5. In response to a query of the Court, learned advocate appearing for the State submits that, the victim refused to medical examination.
6. In her statement recorded under Section 164 of the Criminal Procedure Code, the victim acknowledged that, there was a relationship between her and the petitioner. She also stated that, there was a promise to marry.
7. Considering the fact that, police filed charge sheet and considering the age of the petitioner, his refusal of medical examination and the statement of the victim recorded under Section 164 of the Criminal Procedure Code, we grant anticipatory bail to the petitioner.
8. Accordingly, we direct that in the event of arrest the petitioner will be released on bail upon furnishing a bond of Rs.10,000/-, 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 corresponding to Section 482(2) of the BNSS, 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.

9. This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Smita Das De, J.)