

D/L52

17.03.2025

Rohit

ct.no.26

C.R.M. (A) 801 of 2025

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973/ under Section 482 of the Bharatiya Nagarik Suraksha Sanhita, 2023 in connection with Domkal Police Station Case No. 935 of 2024 dated 23.12.2024 under Sections 69/64(2)(m) of the Bharatiya Nyaya Sanhita, 2023 and Section 6 of Protection of Child from Sexual Offences Act, 2012.

And

In Re: **Nabab Molla @ Molla Nadim Jaman**

...Petitioner

Mr. A. Chatterjee

Mr. Anisur Rahaman

...for the petitioner

Ms. Sreyashee Biswas

Ms. Sana Naaz

...for the State

1. Defacto complainant is present in Court pursuant to the service by the State.
2. We requested learned Advocate appearing for the State to communicate with the defacto complainant in Court as to her stand, which she does.
3. Defacto complainant through the learned Advocate for the State submits that she opposes the prayer for grant of anticipatory bail and that, her child was abducted by the petitioner.
4. The victim recorded a statement under Section 183 of the BNSS where, she acknowledges that

there was a love affair between the petitioner and herself.

5. Police filed charge-sheet.
6. There are statements of the neighbours who saw the victim to climb onto the motorcycle of the petitioner on the fateful day. Such statements do not corroborate the claim of the defacto complainant.
7. Petitioner claims to be twenty years of age. Victim claims to be sixteen years of age.
8. The need for placing the petitioner in custody considering the materials in the case diary and coupled with the fact that the police filed charge-sheet is not felt.
9. In such circumstances, we grant anticipatory bail to the petitioner.
10. Accordingly, we direct that in the event of arrest the petitioner will 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 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.

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

(Debangsu Basak, J.)

(Smita Das De, J.)