

09.01.2025

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Allowed

C.R.M. (A) No. 4513 of 2024

In Re:- An application for anticipatory bail under Section 482 of the Bharatiya Nagarik Suraksha Sanhita in connection with Domkal Police Station Case No. 643 of 2024 dated 24.09.2024 under Sections 78(2)/79/351(2)/351(4)/3(5) of the BNS read with Section 12 of the POCSO Act.

And

In Re : Joylal Sk. @ Sekh petitioner

Ms. Minoti Gomes

.....for the petitioner

Mr. Sardar Shahin Imam

Mr. A. Mukherjee

.....for the State

1. Learned Counsel for the petitioner submits there was a romantic relationship between him and the minor girl. He has been falsely implicated. He prays for anticipatory bail.

2. Learned Counsel for the State opposes the prayer for anticipatory bail.

3. In spite of notice nobody appears for the victim.

4. We have considered the materials on record including statement of the victim. Victim denied there was a romantic relationship. On the other hand, she stated petitioner used to pester her and also created nuisance in front of her house.

5. Keeping in mind nature of allegations we are of the opinion though custodial interrogation is not necessary movement of the petitioner requires to be restricted in order to instill confidence in the mind of the victim and other witnesses.

5. Accordingly, we direct that in the event of arrest the petitioner shall 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 482(2) of the Bharatiya Nagarik Suraksha Sanhita and on further conditions that while on bail petitioner shall not enter the jurisdiction of Domkal Police Station until further orders and shall provide address where he shall presently reside to the investigating officer and the jurisdictional court. He shall appear before the jurisdictional court and pray for regular bail within a period of four weeks from date.

6. The application for anticipatory bail is, thus, allowed.

(Gaurang Kanth, J.)

(Joymalya Bagchi, J.)