

31.07.2020

Ct.08 **CRM 5000 of 2020**
RP 16

Via Video Conference

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Mekhliganj Police Station Case No.157 of 2020 dated 06.06.2020 under Section 12 of the POCSO Act.

In Re: **Rabiul Rahaman** Petitioner
Versus
State of West Bengal

Ms. Jeenia Rudra, Adv.
..... For the Petitioner
Mr. Aditi Sankar Chakraborty, Adv.
Ms. Salini Sikdar, adv.
..... For State

The petitioner undertakes to affirm and stamp the petition as per the Rules within 48 hours of resumption of normal functioning of the Court. The petition is taken up through video conference on the basis of such undertaking.

We have carefully perused the materials on record and memo of evidence. It appears to us that the case was initiated when the accused married to another lady leaving the de facto complainant. Except such allegation there is no other ingredient to attract Section 12 of the POCSO Act against the petitioner.

For the reasons stated above the petitioner is entitled to anticipatory bail. Accordingly, in the event of arrest, the petitioner is directed to be released on bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) with one

surety of like amount to the satisfaction of the Arresting Officer for a period of four months. During this period he shall comply with the provisions of the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973 and to meet the investigating officer once in a week till the completion of the investigation and shall not leave the jurisdiction of the investigating police station without the order of Officer-in-Charge or the investigating officer.

It is needless to mention that if any of the aforesaid conditions is violated the anticipatory bail granted to the petitioner shall automatically stand vacated without any further reference to this Court.

The petition for anticipatory bail is allowed on the conditions indicated above.

The petition is disposed of.

A certified copy of this order be immediately made available to the petitioner, subject to compliance with all requisite formalities.

(Bibek Chaudhuri, J.)

(Soumen Sen, J.)

