

12.10.2023

ML. 67

Court No. 29

Suvayan

(Allowed)

C.R.M. (A) 4158 of 2023

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with **Malipanchghora** Police Station Case No. **154 of 2023** dated **15.07.2023** under Sections **363/365** of the IPC adding Section **6** of the POCSO Act.

And

In the matter of: **Suraj Shaw @ Suraj Kumar Shaw @ Bishal Shal @ Vishal Shaw**

....petitioner.

Mr. Mrityunjoy Chatterjee

Mr. Debapriya Majumder

...for the petitioner.

Mr. Anwar Hossain

Ms. Sreyashee Biswas

...for the State.

1. Heard learned Counsel for both the parties.
2. This is a case of romantic relationship between the petitioner who is aged about 19 years and the victim who is aged about 14/15 years. Though after objection was raised by parents of the girl, the girl had left her house with the petitioner voluntarily to stay in the house of the petitioner's maternal grand mother in Delhi, there is no allegation regarding sexual relationship, cohabitation or marriage between them.
3. *Prima facie*, therefore, Section 6 of the POCSO Act is not attracted.
4. Regard being had to such facts and submissions, factum of permanent residence of the petitioner, his tender age and possibility of reform in him, nature of allegation, nature of evidence and substantial progress in investigation, it is directed that the petitioner shall be released on bail by the Arresting Officer in the event of his arrest in the aforesaid P.S. case on such terms and conditions as deemed just and proper in the facts and circumstances of the case.

5. The concerned Arresting Officer is hereby directed to act upon the server copy of this order.
6. Within 21 days from today the petitioner shall appear before the I.O. along with a server copy/certified copy of this order. If server copy is supplied, learned I.O. shall act upon that.
7. Accordingly, the prayer for the anticipatory bail is allowed.
8. The application being CRM (A) 4158 of 2023 is disposed of.

(Chitta Ranjan Dash, J.)

(Partha Sarathi Sen, J.)

