

CRIMINAL MISC CASE NO.01 OF 2018

Order No.1 dated 29.03.2018

This is an application u/s.438 of Cr.P.C filed at the instance of petitioner namely Sri Kanai Roy @ Dhananjoy Roy for anticipatory bail.

Registered the same as Criminal Misc Case No.01 of 2018.

Call for the case diary and LCR.

To 05.04.2018 for hearing of CRM.

Addl. Sessions Judge
Mal, Jalpaiguri

Order dated 05.04.2018

Accused person /petitioner namely Kanai Roy @ Dhananjoy Roy being charged u/s.4 of POCSO Act 2012, has prayed for an order of bail u/s.438 Cr.P.C in connection with Mal P.S case No.88 of 2018 dated 07.03.2018.

The Ld. Advocate on behalf of the petitioner submits that no other application is pending before any higher forum and further submits that there was a love affairs between the victim and the accused and due to some misunderstanding the defacto complainant has filed the case against the accused. The Ld. Advocate further submits that there is no allegation against this accused. As such he may be granted A.I bail on any terms and conditions.

Ld. PP on behalf of the State Mr. Kollol Sen leaves the matter upon the the discretion of the court.

Heard submission of both sides.

Perused the materials on record and also on the C.D.

Considered.

On consideration of the materials before me I find that the 164 Cr.P.C statement of the V.G is not supporting the case of the prosecution.

Under the facts and circumstances of this case, the detention of the accused person does not appear to be necessary for the purpose of further investigation of this case.

Accordingly I allow the prayer for anticipatory bail of the accused petitioner.

In the event of arrest of the accused namely Kanai Roy @ Dhananjoy Roy in connection with Mal P.S case No.88 dated 07.03.2018 u/s.4 of POCSO Act 2012, the

accused Kanai Roy @ Dhananjoy Roy may find bail of Rs.3000/- with two registered sureties of Rs.1500/- each subject to the satisfaction of the arresting officer and the petitioner shall comply with the provision of section 438(2) Cr.P.C and surrender before the Court of appropriate jurisdiction as expeditiously as possible.

Let a copy of this order be tagged with the original case record being Sessions Case No.11 of 2018 (POCSO).

The Criminal Misc Case is disposed of accordingly.

Dic. & Corrected by me

Addl. Sessions Judge
Mal, Jalpaiguri

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