

18.09.2020
Sl. No.38
akd
[PARTLY
ALLOWED]

C. R. M. 5916 of 2020 [via video conferencing]
CRAN 1 of 2020 [Old No. CRAN 4352/2020]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with Beldanga Police Station Case No. 508 of 2018 dated 15.11.2018 under Section 363 of the Indian Penal Code and Section 4 of the POCSO Act.

And

In Re: **Asadul Sk. & Anr.**

... .. Petitioners

Md. Sarwar Jahan .. Advocate

Mr. Anisur Rahaman .. Advocate

... .. for the petitioners

Mr. Sanjay Bardhan .. Advocate

Mr. Palash Ch. Majhi .. Advocate

... .. for the State

Petitioners undertake to affirm and stamp the petition/application as per Rules within a month of resumption of normal functioning of the court. Subject to such undertaking, the application is taken up for hearing through video conferencing.

The application being CRAN 1 of 2020 (Old No. CRAN 4352 of 2020) is accordingly, disposed of.

Having considered the materials on record and keeping in mind the nature of allegations and as the petitioner no.1 appears to be the principal offender who raped the victim, we are of the opinion that this is not a fit case to grant anticipatory bail to him.

Accordingly, the prayer for anticipatory bail of the accused/petitioner no.1 namely, **(1) Asadul Sk.** is rejected.

However, in view of the extent of complicity of the petitioner no.2 in the alleged crime, we are of the opinion that custodial interrogation of the petitioner no.2 is not necessary in the facts of the present case and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner no.2 namely **(2) Golam Mostafa Sk.**, be released on bail upon furnishing 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.

The application for anticipatory bail is, thus, disposed of.

All concerned authorities shall act in terms of the copy downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)