

38 07.12.2020
rkd Ct. No.28
(Allowed)

**C.R.M. 9792 of 2020
(Through Video Conference)**

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Chanchal** P.S. Case No. **811 of 2020** dated **13/09/2020** under Section **4** of the POCSO Act.

And

In the matter of: Barjahan Ali @ Borjahan Ali

....petitioner.

Mr. A. Sarkar

...for the petitioner.

Mr. P. K. Datta,
Mr. S. Chatterjee

...for the State.

It is submitted on behalf of the petitioner that there are pending civil disputes between the parties and he has been falsely implicated in the instant case.

Learned counsel appearing on behalf of the State opposes the prayer for anticipatory bail.

We have considered the materials on record. Allegation of forcible intercourse on the minor in a public place is to be assessed in the light of the existing disputes between the parties. In view of the aforesaid facts, we are of the opinion though custodial interrogation of the petitioner is not necessary, petitioner requires to cooperate with the investigation in accordance with law.

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 subject to the conditions as laid down under Section 438(2)

of the Code of Criminal Procedure, 1973 and on further condition that he shall meet the investigation officer once in a week until further orders.

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

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)