

16.12.2020
tkm/ct 28
sl no. 157

**C.R.M. 10409 of 2020
(via video conference)**

In Re : An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Khejuri P.S case no. 252 of 2020 dated 9.10.2020 under sections 323/325/354/354B/34 of the IPC and section 8 of the POCSO Act

Allowed

and

In Re : Hatem Ali Khan & Anr.

..... petitioners

Mr. M H Chowdhury
Md. A Ansari

..... for the petitioners

Mr. Arijit Ganguly
Mr. A Ghatak

..... for the State

It is submitted on behalf of the petitioners that there is inordinate delay in lodging FIR.

Learned lawyer for the State opposes the prayer for anticipatory bail.

Allegation of sexual assault may be assessed in the light of the submission relating to delay in lodging FIR.

Under such circumstances, we are inclined to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest, the petitioners shall be released on bail upon furnishing a bond of Rs. 10,000/- each 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.

The application being CRM 10409 of 2020 is disposed of.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)