

17.12.2020
Court No.28
SL No.168
AP

CRM 10467 of 2020
(Through Video Conference)

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Panchla** P.S. Case No.**190 of 2020** dated **24.08.2020** under Sections **341/323/325/354B/379/506/34** of the Indian Penal Code and Section **12** of the POCSO Act.

And

In the matter of: **Sk. Hasibur Mistri @ Sk. Hasibul**

....Petitioner.

Mr. Anindya Ghosh,
Mr. Pronojit Roy,

...for the Petitioner.

Mr. Rana Mukherjee,
Mr. Suman Saha

...for the State.

Mr. S. Chatterjee,
Mr. I. Dey

...for the de facto complainant.

It is submitted on behalf of the petitioner that there is a dispute over sharing of common property. Earlier the petitioner had lodged complaint against the de facto complainant and his family members. In retaliation the petitioner have been falsely implicated in the instant case.

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

We have considered the materials on record. Allegation of assault including sexual abuse may be assessed at the appropriate stage of the proceedings in accordance with law. We note that there was prior enmity between the parties owing to property dispute. Under such circumstances, we are inclined to grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner be released on bail upon furnishing a 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner while on bail shall not enter the jurisdiction of Panchla Police Station until further orders except for the purposes of investigation and/or for attending the court proceedings and shall provide the address where the petitioner shall presently reside to the Investigating Agency as well as the Court below and shall report to the Officer-in-Charge of the concerned police station within whose jurisdiction the petitioner shall presently reside once in a week until further orders.

The application for anticipatory bail is, thus, allowed.

The parties shall act in terms of the copy of the order downloaded from the official website of this court.

(Suvra Ghosh, J.)

(Joymalya Bagchi, J.)