

21.5.2021

**CRM 1344 of 2021**

Court No.28  
Item No. 22

s.bhar

**(Through Video Conference)**

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Special T.R. case no. 94 of 2020 Panchla Police Station Case No. 208 of 2020 dated 7.9.2020 under Sections 363/365/34 of the Indian Penal Code adding Section 376 of the Indian Penal Code read with Section 4 and 6 of the Protection of Children from Sexual Offences Act pending before the Learned Judge, Special Court under POCSO Act, Howrah.

And

In the matter of : **Sk. Hasibur & ors.**

**...Petitioners**

**Mr. Mrityunjoy Chatterjee**

**...For the Petitioner.**

**Mr. Saibal Bapuli, APP**  
**Mr. Subroto Roy**

**...for the State**

Having considered the materials on record including the statement of the victim girl under Section 164 of the Criminal Procedure Code which is exonerative, we are inclined to hold that custodial interrogation of the petitioner is not required. Under such circumstances, the prayer for anticipatory bail is allowed.

Accordingly, we direct that in the event of arrest the petitioners, namely, Sk. Hasibur and Sk. Sariful @ Bappa shall be released on bail upon furnishing a bond of Rs. 10000/- with two sureties of like amount each, one of whom must be local, to the satisfaction of the arresting officer and subject to the conditions as laid down under Section 438 (2) of the Code of Criminal Procedure, 1973.

With the aforesaid observation, the application for anticipatory bail, being CRM 1344 of 2021 is, thus, disposed of.

All parties shall act on the server copies of this order duly downloaded from the official website of this court.

**(Suvra Ghosh, J)**

**(Soumen Sen, J)**