

04.08.2021  
Item no. 19  
Court No.32.  
S.De  
(allowed)

**(Via Video Conference)**

**CRM No. 1721 of 2021**

In Re: An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure filed on 10.02.2021 in connection with Budge Budge Police Station Case No. 289 of 2019 dated 13.10.2019 under Section 06 of the Protection of Children from Sexual Offences Act.

And

**In the matter of : Sk. Sarif Mohammad.**

.....Petitioner.

Mr. Angshuman Chakraborty, Advocate,  
.....for the Petitioner.

Ms. Faria Hossain, Advocate,  
Ms. Baisali Basu, Advocate,  
.....for the State.

The allegation is under Section 6 of the POCSO Act. The petitioner says that the prime accused has been apprehended and is in custody. The petitioner has not been named in the statements either of the victim girl or other persons recorded under Sections 161/164 of the Code. There is nothing to connect the petitioner with the alleged crime. The petitioner does not stay anywhere near the house of the victim.

The State has produced the case diary. We have noted the material therein. We have seen the statement of the victim girl recorded under Sections 161/164 of the Code.

Prima facie, we do not find any complicity of the petitioner in the commission of the alleged crime.

On an over all consideration of the facts and circumstances of the case, we are of the view that immediate custodial interrogation of the petitioner may not be necessary, so long as he co-operates with the investigating officer in the event of further investigation. Charge sheet has been submitted.

Accordingly, 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, one of whom must be local, to the satisfaction of the arresting officer and shall abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure until further orders.

In case the petitioner fails to adhere to any of the conditions mentioned in Section 438(2) of the Code, the learned Court below shall be entitled to cancel the anticipatory bail without further reference to this Court.

The application for anticipatory bail being CRM 1721 of 2021 is, thus, allowed.

All parties shall act in terms of server copy of the order downloaded from the official website of this Court.

**(Suvra Ghosh, J.)**

**(Arijit Banerjee, J.)**