

99. 30.07.2021

Ct.32

Tanmoy

Allowed

C.R.M. 2508 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **08/03/2021** in connection with **POCSO Case No.10 of 2021** arising out of **Manikchak Police Station Case No.29 of 2021** dated **22/01/2021** under Sections **8/12** of the POCSO Act and Sections **325/308/506** of the Indian Penal Code.

And

In the matter of: - **Md Sajid Zaman @ Afredi**

....petitioner.

Mr. Sanat Kr. Das,
Mr. Sujan Chatterjee

...for the petitioner.

Mr. S.S. Imam,
Mr. S. Kundu

...for the State.

The charge against the petitioner is under Sections 8/12 of the Protection of Children from Sexual Offences Act, 2012 and Sections 325/308/506 of the Indian Penal Code.

The petitioner says that he has been falsely implicated. The F.I.R. has been falsely lodged by the victim's parents. There is an affair between the petitioner and the victim. The petitioner is 23 years old. The victim is over 17 years old.

Learned Advocate for the State produces the Case Diary. The Prosecution case is that the petitioner dragged the victim girl from the street to his house and suggested that they should get married. It is not borne out by the statement of the victim girl recorded under Section 164 of the Code of Criminal Procedure. We have considered the medical report. The injuries are simple in nature. Charge-sheet has not yet been submitted.

Considering the nature and gravity of the allegation and the material on record, we are of the view that immediate custodial interrogation of the petitioner is not necessary so long as he co-operates with the Investigating Officer.

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 and with a further direction that the petitioner shall not enter the jurisdiction of Manikchak Police Station until further orders. The petitioner shall also furnish his present address where he will be residing to the Officer-in-Charge of the Police Station within the jurisdiction of which he will be residing and he shall also meet the said Officer-in-Charge once in a fortnight 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 C.R.M. 2508 of 2021 is, thus, **allowed**.

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

(Suvra Ghosh, J.)

(Arijit Banerjee, J.)