

72. 20.09.2021

Ct.32

Tanmoy

Allowed

C.R.M. 2975 of 2021

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on **24/03/2021** in connection with **Chanditala Police Station Case No. 178 of 2019** dated **30/04/2019** under Sections **376(2)(f)(n)/120B** of the Indian Penal Code read with Sections **4/6** of the POCSO Act, 2012.

And

In the matter of: - **Maniur Rahaman Mallik @ Manirul Rahaman Mallik @ Maniur Rahaman Mallick**

...petitioner.

Mr. Navanil De,
Mr. Anshuman Bera

...for the petitioner.

Ms. Faria Hossain,
Ms. Baisali Basu

...for the State.

The petitioner is the victim's father's elder brother. This is a very unfortunate case. The main allegation is against the victim's father who apparently sexually abused his daughter over a period of time. The victim's parents are separated. For some time, the victim resided with her mother and thereafter started residing with her father. After tolerating her father's completely unacceptable and deprave acts for some time, the victim divulged to the petitioner and his wife about she being sexually exploited by her father. She was apparently advised to commit suicide. Then she went to the Police Station and filed the present complaint.

We have seen the statements of witnesses in the Case Diary including the victim's statement. None of the statements specifically implicates the present petitioner. Charge-sheet has been submitted.

On an overall assessment of the material on record and the facts and circumstances of the case and the possible extent of complicity of the petitioner in the commission of the alleged offence, we are of the opinion that immediate custodial interrogation of the petitioner is not necessary.

Accordingly, in the event of arrest, the petitioner, *viz.*, **Maniur Rahaman Mallik @ Manirul Rahaman Mallik @ Maniur Rahaman Mallick** 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.

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 being C.R.M. 2975 of 2021 is, accordingly, disposed of.

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

(Bivas Pattanayak, J.)

(Arijit Banerjee, J.)