

15.11.2021
Sl. No.30
akd
[ALLOWED]

C. R. M. 6879 of 2021 [via video conferencing]

In Re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed on 08.10.2021 in connection with Harishchandrapur Police Station Case No. 781 of 2016 dated 13.12.2016 under Sections 363/365/366A/109 of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In Re: ***Abu Kalam Azad @ Abul Kalam Ajad***

... .. Petitioner

Mr. Koustav Bagchi
Mr. Arup Sarkar
Mr. Sourav Mukherjee
Mr. Debayan Ghosh

... .. for the petitioner

Mr. Rana Mukherjee
Ms. Debjani Sahu
Ms. Sujata Das

... .. for the State

It is submitted on behalf of the petitioner that he has been falsely implicated in the instant case and that principal accused is presently in custody.

Learned advocate appearing for the State opposes the prayer for bail.

We have considered the materials on record including the statement of the victim girl. Keeping in mind the extent of complicity of the petitioner in the alleged crime and as the principal accused is already in custody, we are of the opinion that custodial interrogation of the accused/petitioner may not be necessary in the facts of the present case and he may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest, the accused/petitioner, namely ***Abu Kalam Azad @ Abul Kalam Ajad***, 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 shall appear before the court below and pray for regular bail within four weeks from date.

The application for anticipatory bail is, thus, disposed of.

(Bivas Pattanayak, J.)

(Joymalya Bagchi, J.)