

C.R.M. 8382 of 2020 (through video conference)

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Bamongola Police Station Case No.54 of 2020 dated 28.02.2020 under Sections 363/365/34 of the Indian Penal Code read with Section 04 of The Protection of Children from Sexual Offences Act, 2012;
And

In Re : Sri Bablu Bhakta

.... Petitioner

Mr. Abhimanyu Banerjee,
Mr. Arnab Saha

...for the petitioner

Ms. Faria Hossain,
Ms. Sonali Das

...for the State

Learned advocate appearing for the petitioner submits that the petitioner herein is the uncle of the principal accused and he has been falsely implicated. The principal accused is already in custody. No overt act has been attributed to the petitioner and in view thereof, custodial interrogation of the petitioner is not necessary.

Learned advocate appearing for the State opposes the petitioner's prayer and draws our attention to the statements of the victim girl under Sections 161 and 164 of the Code.

We have considered the materials in the case diary. *Prima facie* we find that no overt act has been attributed to the petitioner and considering the nature of allegations as levelled, we are of the opinion that custodial interrogation of the petitioner herein is not warranted.

Accordingly, we direct that in the event of arrest the petitioner, namely, **Sri Bablu Bhakta**, shall be released on anticipatory bail upon furnishing a bond of Rs.10,000/- each 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..

This order of anticipatory bail shall be valid for a period of four weeks. In the meantime the petitioner shall appear before the learned Trial Court and pray for regular bail.

Accordingly, the application being C.R.M. No. 8382 of 2020 is disposed of.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)