

09.03.2021
Item no.133
Court No.28
Avijit Mitra

C.R.M. 10842 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 Chanchal Police Station Case No.1035 of 2020 dated 07.11.2020 under Sections 313 of the Indian Penal Code read with Section 6 of POCSO Act;
And

In Re : Anwarul @ Ekramul & ors.

.... Petitioners

Mr. Sandipan Ganguly,
Mr. Kazi M. Rahman

...for the petitioners

Mr. N.P. Agarwala,
Mr. Protik Bose

...for the State

Mr. Ganguly, learned senior advocate appearing for the petitioners submits that the petitioner nos. 3 and 4 are the parents of the petitioner no.1 and the petitioner nos. 2 and 5 are the brother and sister respectively of the petitioner no.1. The allegations levelled against the petitioners are unfounded and they have been falsely implicated. In view of the nature of allegations, custodial interrogation of the petitioners is not necessary.

Mr. Agarwala, learned advocate appearing for the State opposes the petitioners' prayer and submits that the allegations under Section 6 of the POCSO Act are directed against the petitioner no.1 herein.

Having heard the learned advocates and considering the materials in the case diary, the statement of the victim girl as recorded under Section 164 of the Code and the

extent of the complicity of the petitioner nos.2 to 5 in the alleged offence, we are of the opinion that custodial interrogation of the petitioner nos. 2 to 5 is not warranted in the facts and circumstances of the present case.

Accordingly, we direct that in the event of arrest the petitioners no.2 to 5, namely, **Imdadul Hoque @ Mister @ Imdadul Hoque, Tafiluddin, Ano Bibi @ Anwara Khatun and Afroja Khatun @ Lipa @ Ripa Khatun**, 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.

However, *prima facie*, there are materials which reveal direct involvement of the petitioner no.1 in the alleged offences and in view thereof, we are of the opinion that the said petitioner no.1 is not entitled to the privilege of anticipatory bail. As such his prayer is refused.

Accordingly, the application being C.R.M. No. 10842 of 2020 is partly allowed.

(Tirthankar Ghosh, J.)

(Tapabrata Chakraborty, J.)

