

12.03.2021
Item no. 96
Ct.04
PG

C.R.M. No.11143 of 2020

In Re:- An application for anticipatory bail under section 438 of the Code of Criminal Procedure in connection with Uluberia Police Station Case No. 121 of 2020 dated 29.04.2020 under Sections 147/149/323/325/326/308/34 of the Indian Penal Code read with Section 8/10 of POCSO Act and thereafter submitting charge sheet under Sections 447/323/325/354/506/34 of the Indian Penal Code and Section 12 POCSO Act.

And

In the matter of:- Prabin @ Prabir Bera
... petitioner

Ms. Devi Priya Mitra .. for the petitioner

Mr. S.S. Imam
Mr. S. Kundu ..for the State

The present application under section 438 of the Code of Criminal Procedure filed at the instance of Prabin @ Prabir Bera is taken up for hearing and order.

It is submitted on behalf of the petitioner that the petitioner is innocent and has been falsely implicated in the instant case. Co-accused persons standing on the same footing as the petitioner have been granted anticipatory bail earlier. Investigation is complete.

Learned lawyer appearing for the State opposes the prayer for anticipatory bail and refers to the case diary including statement of the victim under section 164 of the Code of Criminal Procedure.

The State also submits that injuries of the victim are simple in nature.

It appears that charge sheet has been submitted in this case. Injuries are simple in nature and co-accused similarly circumstanced with the petitioner have been granted anticipatory bail earlier. Having considered the materials in the case diary, we are of the opinion the petitioner may be granted anticipatory bail.

Accordingly, we direct that in the event of arrest the petitioner shall be released on anticipatory bail upon furnishing bond of Rs. 10,000/- (Rupees Ten Thousand) only with two sureties of like amount 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.

The application for anticipatory bail is, accordingly, allowed.

C.R.M. No.11143 of 2020 is disposed of.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)

