

12.03.2021
Ct.04
RP 104
Allowed

CRM 11158 of 2020

In re: An application for anticipatory bail under Section 438 of the Code of Criminal Procedure, 1973 in connection with Sankrail Police Station Case No.1005 of 2020 dated 27.10.2020 under Sections 341/448/323/325/354/34 of the Indian Penal Code read with Section 12 of POCSO Act.

And

In the matter of : Ashok Chowdhury & Ors.

.... Petitioners

Mr. Tauhid Khan

.... For the Petitioners

Mr. Sudip Ghosh
Mr. Bitasok Banerjee

.... For the State

The present application under section 438 of the Code of Criminal Procedure, 1973 filed at the instance of Ashok Chowdhury & Ors. is taken up for hearing and order.

It is submitted on behalf of petitioners that they are innocent and have been falsely implicated in the instant case.

The State produces the case diary and opposes the prayer for anticipatory bail. The State also refers to the statement of the victim under section 164 of the Code of Criminal Procedure, 1973.

Having considered the statement of the victim and the nature of offence as well as the fact that the injuries sustained by the victim are simple in nature, we are

inclined to hold that custodial interrogation of the petitioners is not required.

Accordingly, in the event of arrest, the petitioners are directed to be released on anticipatory bail upon furnishing bond of Rs.10,000/- (Rupees Ten Thousand only) each with two sureties of like amount to the satisfaction of the Arresting Officer. The petitioners will abide by the conditions laid down in Section 438(2) of the Code of Criminal Procedure, 1973.

CRM 11158 of 2020 is disposed of.

(Arindam Sinha, J.)

(Suvra Ghosh, J.)

