

23.03.2022

Sl. 47
Court No.29
suvayan
(Allowed)

CRM (A) 865 of 2022

In Re: - An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Shyampur** P.S. vide FIR case No. **227 of 2021** dated **12/06/2021** under Sections **363/376(3)/506/34** of the Indian Penal Code read with Section 6 of the POCSO Act.

And

In the matter of: Sk. Manirul

....petitioner.

Ms. Devi Priya Mitra

...for the petitioner.

Mr. Navanil De

...for the State.

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that another co-accused standing in the same footing was granted anticipatory bail by the co-ordinate Bench. The police filed charge-sheet. Further custodial interrogation of the petitioner is not required.

Learned Advocate appearing for the State draws the attention of the Court to the statement of the victim recorded under Section 164 of the Criminal Procedure Code. In response to a query of the Court, he submits that the victim refused medical test.

The co-ordinate Bench in CRM (A) 358 of 2022 granted anticipatory bail on February 24, 2022 to two other co-accuseds who are standing in the same footing as that of the petitioner herein.

Considering the fact that the petitioner can claim parity with regard to such other two co-accuseds who were granted anticipatory bail by the co-ordinate Bench and in view of the statement of the victim recorded under Section 164 of the

Criminal Procedure Code, we grant anticipatory bail to the petitioner.

Accordingly, we direct that in the event of arrest, the petitioner shall 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 subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on condition that the petitioner shall appear every day before the jurisdictional Court on and from the date fixed for appearance of the accused and in default the jurisdictional Court will pass appropriate order to secure the presence of the petitioner in Court including cancelling the anticipatory bail granted without further reference to this Court.

Accordingly, the prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 865 of 2022 is, thus disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)