

27.04.2022

26

Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 1916 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Mothabari** Police Station Case No. **111** of **2022** dated **19.03.2022** under Section 4 of the Protection of Children from Sexual Offences Act.

And

In Re : Hajibul Islam @ Hasiul Sk

..... petitioner

Mr. Tapan Dutta Gupta

Mr. Parvej Anam

....for the petitioner

Md. Anwar Hossain

Ms. Sreyashee Biswas

....for the State

Petitioner prays for anticipatory bail.

Learned advocate appearing for the petitioner submits that, the petitioner was falsely implicated.

Learned advocate appearing for the State draws the attention of the Court to the medical report and the statement of the victim recorded under Section 164 of the Code of Criminal Procedure (Cr.P.C.).

In her 164 Cr.P.C. statement, the victim acknowledges that there was a relationship between her and the petitioner. Before the doctor taking the medical test, she refused to

undergo medical test in respect of the incident occurring on March 16, 2022.

Considering the materials in the case diary the stand of the victim in her statement recorded under Section 164 of the Criminal Procedure Code and her stand before the doctor 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/-, with two sureties of like amount each, to the satisfaction of the arresting officer and also be subject to the conditions as laid down under Section 438(2) of the Code of Criminal Procedure, 1973 and on further condition that the petitioner shall meet the Investigating Officer once in a fortnight till the conclusion of the investigation 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.

This application for anticipatory bail is, thus, allowed.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)

