

08.06.2022.
81.
Ct.No.28
as
(Allowed).

C.R.M. (A) 2335 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Burdwan P. S. Case No.217 of 2022 dated 02.03.2022 under Sections 147/149/447/323/305/354/506/509 of the Indian Penal Code and Sections 8/12 of the POCSO Act.

In the matter of : Sk. Bashir Ahmed @ Sekh Bashir
Ahammed @ Badsha.
... Petitioner.

Mr. Aniket Mitra,
Mr. Pradip Kr. Ghosh.
...for the Petitioner.

Mr. Saibal Bapuli, Id. A.P.P.,
Mr. Bibaswan Bhattacharya.
.....for the State.

Leave is granted to correct the cause title of the petition.

Heard the learned Advocates appearing for the parties.

Learned Advocate for the petitioner submits that the allegation of torture upon the victim is out and out false. She had a relationship with one Sk. Sohel and became pregnant. Out of depression, she committed suicide. Sohel is in custody.

I. C. is present in Court along with the Case Diary. His presence is noted and dispensed with.

Learned Advocate appearing for the State opposes the prayer for anticipatory bail.

We have considered the materials on record including the post mortem report which shows that the deceased was in the family way.

In view of the aforesaid materials on record and extent of complicity of the petitioner in the alleged crime, we are of the opinion custodial interrogation of the petitioner may not be necessary and he may be granted anticipatory bail.

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 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 appear before the court below and pray for regular bail within four weeks from date.

This application for anticipatory bail is, thus, disposed of.

(Ananya Bandyopadhyay,J.)

(Joymalya Bagchi, J.)