

17.06.2022.
101.
Ct.No.28
as
(Allowed).

C.R.M. (A) 2550 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure filed in connection with Uluberia P. S. Case No.04 of 2022 dated 04.01.2022 under Sections 376AB/34 of the Indian Penal Code and Section 6 of the POCSO Act and charge sheet submitted under Sections 376(2)(f)(n) of the Indian Penal Code and Section 6 of POCSO Act and adding Section 17 of POCSO Act.

In the matter of : Habibur Khan.

... Petitioner.

Mr. Anindya Ghosh,
Mr. Sekhar Mukherjee,
Mr. Anindya Chowdhury.

...for the Petitioner.

Mr. Rudradipta Nandy, ld. A.P.P.
Ms. Sonali Das.

.....for the State.

Heard the learned Advocates appearing for the parties.

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

We have considered the materials on record. Petitioner does not appear to be the principal accused. It is contended he did not protest when father of the minor allegedly violated her. Principal accused i.e. the father is in custody. There is a matrimonial dispute pending by and between the parties. An earlier criminal case was registered by the de-facto complainant/mother against her husband-in-laws including the petitioner. No allegation of sexual assault on the minor is reflected in the said case.

In view of the aforesaid facts and the extent of complicity of the petitioner in the alleged crime, we are inclined to 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 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 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.)