

22.06.2022
Serial no.40
Aloke

CRM (A) 2950 of 2022

In re : An Application for Anticipatory Bail under Section 438 of the Code of Criminal Procedure in connection with Kaliachak Police Station Case No. 1119 of 2021 dated 13.10.2021 under Sections 6 of the POCSO Act and Sections 363/365/34 of the Indian Penal Code and Sections 9/10/11 of the Child Marriage Act.

-And-

In the matter of : **Md. Sahin Haque**

... .. Petitioner

Mr. Md. Manuwar Ali, Advocate
Ms. Moumita Karmakar, Advocate

... .. For the Petitioner

Mr. S.S. Imam, Advocate
Mr. R. Jana, Advocate

... ..For the State

Petitioner seeks anticipatory bail.

Learned Advocate appearing for the petitioner submits that other co-accused were granted anticipatory bail. There was a love relationship between the petitioner and the victim.

Learned Advocate appearing for the State draws the attention to the statement of the victim recorded under Section 164 of the Code of Criminal Procedure. He submits that the other co-accused were not the principal accused.

Considering the statement of the victim recorded under Section 164 of the Code of Criminal Procedure, her age and the materials in the case diary and considering the fact that the other co-accused were enlarged on anticipatory bail and considering the fact that the police filed charge-sheet, 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/- (Rupees Ten Thousand Only), 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 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.

Prayer for anticipatory bail of the petitioner is allowed.

CRM (A) 2950 of 2022 is disposed of.

(Debangsu Basak, J.)

(Bibhas Ranjan De, J.)