

29.06.2022

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Ct. No. 29

KAUSHIK

Allowed

C.R.M.(A) 2995 of 2022

In Re:- An application for anticipatory bail under Section 438 of the Code of Criminal Procedure in connection with **Barrackpore Women** Police Station Case No. **49** of **2019** dated **14.12.2019** under Sections 323/324/364A/506/509/476/420/406 of the Indian Penal Code, 1860 and Section 9(m) of the POCSO Act.

And

In Re : Sunil Sinha & Anr.

..... petitioners

Md. Farhaduddin

Mr. S. M. Masud

....for the petitioners

Mr. Neiguive Ahmed

Ms. Ayantika Roy

....for the State

Petitioners pray for anticipatory bail.

Learned advocate appearing for the petitioners submits that, the petitioners were falsely implicated. He draws the attention of the Court to the complaint lodged. He submits that, the alleged incident is of Naihati. The police case was started in Barrackpore. He contends that the Naihati Police Station refused to register the complaint. He draws the attention of the Court to the order in respect of two other co-accused, who were enlarged on bail by the Jurisdictional Court.

Learned Additional Public Prosecutor appearing for the State submits that, the petitioners are absconding. He refers to

the statement of the mother of the victim recorded under Section 161 of the Code of Criminal Procedure (Cr.P.C.) as also to the 164 Cr.P.C. statement of the victim thereof.

The incident is of 2018. The police case is of 2019 lodged at Barrackpore while the incident took place at Naihati. The police filed charge-sheet. There is an issue of false implication.

In such circumstances, it would be appropriate to grant anticipatory bail to the petitioners.

Accordingly, we direct that in the event of arrest the petitioners shall be released on bail upon furnishing a bond of Rs.10,000/- each, 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 condition that the petitioners 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 petitioners 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.)

